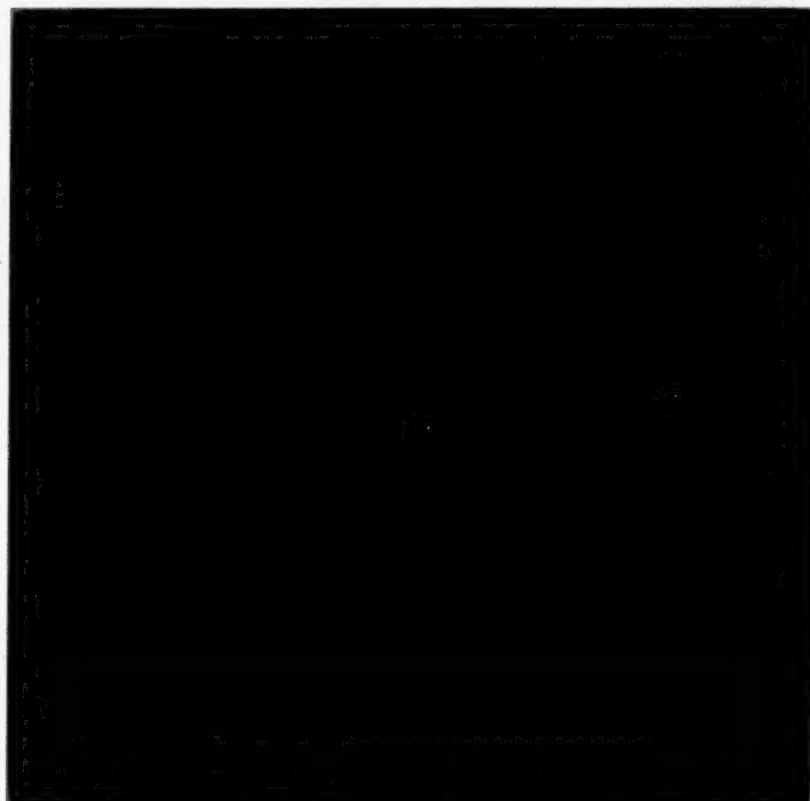
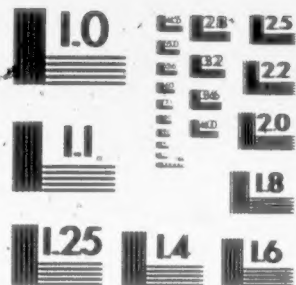
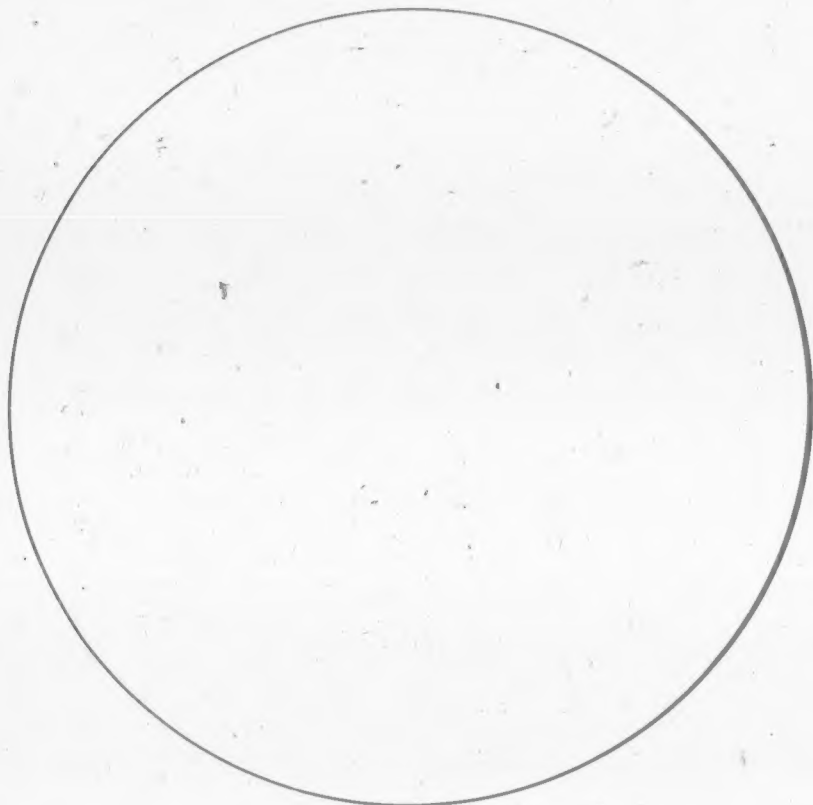
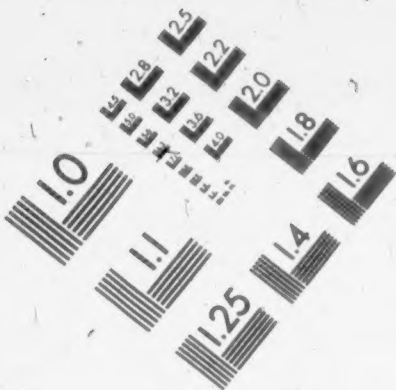


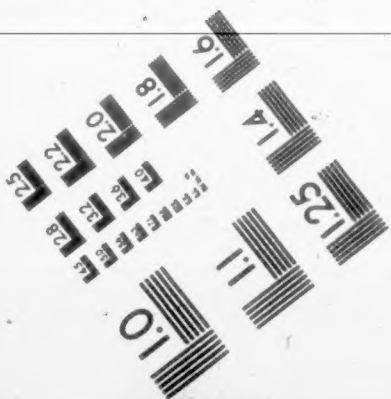
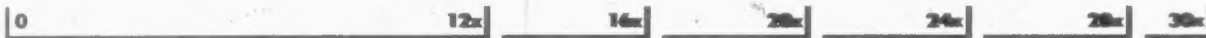


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APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES
1898 - 1914

ROLL 382

CHEROKEE FREEDMEN R738 - R769

THE NATIONAL ARCHIVES
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9 F.D. 798

notes hereof. (Signed) L. O. Hanson.

Recorded the testimony and proceedings in this case and that the
L. O. Hanson, being first duly sworn states that as stated
notes hereof.

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It is necessary for her to file certificate of birth.

date the enrollment of her child, Rose Mae, if will be
further consideration of the Commission. In order to com-
mission by interviewers upon a doubtful card for the
to await the further consideration of the Commission.
for enrollment as Charlotte Hanson upon a doubtful card
doubtfully Jane Oakes and her child, Rose E., will be listed
sett. She makes satisfactory proof as to residence, conse-
laws of the Cherokee Nation to her husband, Alexander Oakes-
presence satisfactory proof of marriage according to the
and her name cannot be found upon any of the rolls. She
for the enrollment of her child, Rose E., is listed on the
Kew-Oakes roll and the wife's roll. She is listed on the
the unperfected roll of 1880, but it is found upon the
Oakes Hanson by interviewers. Her name is not found upon
enrollment of her husband, Alexander Oakes, as a Cher-
of herself and one child as Charlotte Hanson and for the
Com. L. Hanson; Jane Oakes applies for the enrollment

What is his name?
He is a colored man.
Living with whom?
Yes, sir.
Has he lived

What is his name?
Yes, sir.
Yes, sir.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
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testimony of the witnesses

To be filed with case of Sam Irven, C. F. D. #798.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., MAY 15th, 1901.

In the matter of the application of Jane Claggett for the enrollment of herself and one child as Cherokee Freedmen; said Claggett being sworn and examined by Commissioner T. B. Needles, testified as follows: Also applies for her husband by Intermarriage

- Q What is your name? A Jane Claggett.
Q What is your age? A I expect I am near 60.
Q What is your post office? A Cooweescoowee.
Q That is your district, what post office? A Nowata.
Q You apply to be enrolled as a Cherokee freedman do you?
A Yes, sir.
Q Did you ever apply to be enrolled by any other tribe or Nation?
A No, sir.
Q Never drew any money from any other tribe or Nation? A No, sir.
Q Who do you want to ~~enroll~~ enroll? A I have one under age.
Q What is its name? A Rosa Eva Claggett.
Q She is 16 years old? A Yes, sir.
Q Is your name on the roll of 1880? A It ought to be, but I can't tell you whether it is or not.

By Mr. Smith: of the firm of Mellette & Smith, Attorneys for Applicants:

- Q Mrs. Claggett, who was your father? Q My father was named Ben Vann, but he died before I knew anything about him.
Q Your mother? A Mary Taylor, she belonged to a man, I belonged to Martin.
Q Were you a slave? A Yes sir.
Q To whom did you belong? A Joe Martin.
Q Was he a citizen of the Cherokee Nation? A Yes, sir.
Q Where were you living when the war between the North and South broke out? A On Cabin Creek, here in the Cherokee Nation.
Q Did you go out of the Cherokee Nation at any time during the war?
A I went out in '62.
Q And where did you go to? A Went to Fort Scott, that is where we was taken by the soldiers.
Q Did you return to the Cherokee Nation? A Yes, sir.
Q When? A Yes, sir, I returned in the year of '66, just two weeks before Christmas.
Q Where did you come to when you came back, A I came around on Grand river, down east of where the old home place was, east of Cabin Creek, the old home place.
Q Where have you lived since that time? A All about here in the Nation; I had a little boy tracking around and I just worked around here until I married.
Q Whom did you marry? A I married Alexander Claggett.
Q Where are you living now? A I am living in Cooweescoowee.
Q How long have you lived there? A I have lived there 35 years if I ain't mistaken.
Q Were you on the Kern Clifton roll? A Yes, sir, and the Wallace roll.

The 1880 Authenticated roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.

The Kern-Clifton roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 101, #2538, Jane Claggett, Cooweescoowee district.

The name of applicant's child not found on the Kern-Clifton roll.

- Q Did your child ever go by any other name besides Rosa Eva?
A No, sir.
Q What is its name Martin of Claggett? A She might be Martin on there.

Q Are you sure you drew money for this girl? A No, sir; I did not draw money for her.

The Wallace roll of freedmen of the Cherokee Nation examined and applicant's name found thereon, page 127, #2675, as Jane Martin, Cooweescoowee district.

Q Did you draw money from the Wallace payment? A Yes, sir.
Q Did you draw money from the payment that followed the Kern-Clifton roll? A Yes, sir.

By L. B. Bell, Cherokee Representative:

Q When did you return to the Cherokee Nation? A I returned in '66, just two weeks before Christmas.

Q Who come with you? A I come along with some Creek folks that was coming back and I got in with them and come as far down as Cabin Creek.

Q Who were they? A I don't know who they were.

Q Never did know their names? A No, sir, I got in with them, I had t his child and my step-father didn't like me for that.

Q Where did you start from? A Mapleton, Kansas, on the Osage river.

Q Were these Creek people Freedmen or Indians? A Colored folks, went back to the Creek Nation.

Q You never had seen t hem before? A No, sir; you see me and my stepfather kinda fell out on account of that child I had, and I went to them and asked them if they were coming back and I come with them.

Q You can't recollect who they were? A No, sir.

CYNTHIA LYNCH, being sworn and examined, testified as follows: By Mr. Smith:

Q State your name? A Cynthia Lynch is my name now.

Q How old are you? A 51.

Q Where do you live? A I live in Vinita now.

Q How long have you lived in Vinita? A About five years next September since I moved to town; I lived on the river on the farm ever since, well all the time before I moved to Vinita.

Q Do you know this applicant who has just left the stand, Jane Claggett? A Yes, sir.

Q How long have you known her? A The first I remember seeing her was sometime in December, '66. she is the only one I ever knew by that name, and she claims to be the same woman.

Q Where did you see her? A Over there at Doctor Thompson's place on Grand river.

Q Did you know her before that war? A No, sir, I was too small.

Q Have you known her from the time you saw her there from time to time since that or not? A I don't remember seeing her since that time up to the Wallace roll.

Q That was along in December, 1866? you saw her? A Yes, sir.

By L. B. Bell:

Q How old was she at the time you saw her in 1866?

A I ain't able to tell you.

Q Did she look like a young girl, woman or what? A She looked more like a girl than a woman.

Q Who was with her? A I remember her the same woman I see now, claims to be.

Q You didn't see her any more? A Until the Wallace Court.

Q 1885? A I didn't keep any record of it, I don't remember, Mr. Bell, in what year that Wallace Court was.

Q That was in 1889; you knew her when you met her at the Wallace Court? A Not until she told me who she was.

Q When were you and Al Lynch married? A We were married in the fall of '67.

Q Well what was you doing up at doctor Thompson's place?

A Well that Spring, I was then t here in that spring, in March, the 4th of March, I begin the reach school there.

NELLIE FRYE, being sworn by Commissioner T. B. Needles, testified as follows: By Mr. Smith:

- Q State your name? A Nellie Frye.
Q Where d you live? A I live on Grand river.
Q How long have you lived there? A Oh, I have lived on Grand river ever since '66.
Q Do you know the applicant, who has just left the stand here, Jane Claggett? A Yes, sir.
Q Did you know her before the wife? A Yes, sir.
Q Do you know whether she was a slave or not? A Yes, sir, she was a slave.
Q To whom did she belong? A Joe Martin.
Q Was he a Cherokee citizen? A Yes, sir.
Q Do you know of your own personal knowledge whether she went out of the Cherokee Nation during the war or not? A Yes, sir, she went when we did, in '62.
Q Do you know whether she came back or not? A Yes, sir, she was to our house in '66 in the winter, just before Christmas.
Q Where was your house? A Across the river, at Doctor Thompson's place.
Q Do you know where she has been living since that time?
A No, sir.

By L. B. Bell: How did she get to your house?

- A Come there walking.
Q Come there foot? A Yes, sir.
Q How did she find the way there? A She said they told her at Kells' place.
Q Where is Kells' place? A Close to Cabin creek.
Q Lewis Kell was living there? A I don't know who was living there; I don't know whether Kell was living there or Mr. Moore.
Q How long did she stay there? A She come two weeks before Christmas and stayed there two weeks with her child, we could not feed her times was so hard.
Q You had to turn her adrift? A Yes, sir; we had to turn lots of them adrift, we had to live on hickory nuts and without bread to eat and all that, and we could not take in just anybody; we had a hard time; you need not tell me, Mr. Bell, that polk greens is poison; we had to live and eat them many times, I have cracked a pan of hickory nuts and eat them for dinner.
Q Who was this Jane's mother? A Old Aunt Mary.
Q ~~He didn't belong to Joe~~ What was her father's name?
A Ben Vann, but I didn't know him.
Q He didn't belong to Joe Martin? A No, sir.

JANE CLAGGETT, being the applicant, re-called, testified as follows: By Mr. Smith:

- Q Jane, what was your name before you married Claggett?
A Jane Martin.
Q Did you have a certificate of marriage to Claggett? A Yes, sir.
Q Have you got that certificate with you? (Hands paper to COM'R.)
Q You have your certificate with you? A Yes, sir.

Com'r Needles: Applicant presents a marriage license and certificate of marriage duly authenticated and issued by the Cherokee Nation, certifying that she was married according to the laws of the Cherokee Nation to one Alexander Claggett, a citizen of the United States, on the 15th day of September, 1881, and she applies for the enrollment of her husband, Alexander Claggett, as an intermarried citizen.

By L. B. Bell, Cherokee Representative:

- Q What was your mother's name? A Mary Martin, she belonged to uncle Joe.

By Commissioner Needles: How old is your husband?

- A My husband is 70.
Q Is he living? A Yes, sir.

COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR
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Q Has he lived with you continuously since he married you?
A Yes, sir.
Q Living with you now? A Yes, sir.
Q He is a colored man? A Yes, sir.
Q What is his last office? A Nowata.

Com'r Needles; Jane Claggett applies for the enrollment of herself and one child as Cherokee freedmen and for the enrollment of her husband, Alexander Claggett, as a Cherokee Freedman by Intermarriage: Her name is not found upon the authenticated roll of 1880, but it is found upon the Kern-Clifton roll and the Wallace roll. She applies also for the enrollment of her child, Rosa Eva, 16 years of age, and her name cannot be found upon any of the rolls. She presents satisfactory proof of marriage according to the laws of the Cherokee Nation to her husband, Alexander Claggett. She makes satisfactory proof as to residence, consequently Jane Claggett and her child, Rosa E., will be listed for enrollment as Cherokee Freedmen upon a doubtful card to await the further consideration of the Commission.

Her husband will be listed for enrollment as a Cherokee Freedman by intermarriage upon a doubtful card for the further consideration of the Commission. In order to complete the enrollment of her child, Rosa Eva, it will be necessary for her to file satisfactory proof of its birth, its name not appearing upon any of the rolls.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

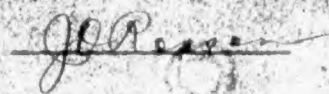
(Signed) J. O. Rosson.

Subscribed and sworn to before me this 16th day of May, 1901.

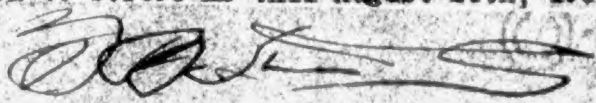
(Signed) C. R. Breckinridge,
Commissioner.

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J. O. Rosson, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly made the foregoing copy and that same is a true and complete copy of the original transcript in said case.



Subscribed and sworn to before me this August 24th, 1901.



Commissioner.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
NOWATA, I. T. JUNE 21st., 1901.

In the matter of the application of Sam Irven for the enrollment of himself, his wife and two children as Cherokee Freedmen said Irven being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:

Messrs. Mellette & Smith, for applicants.
Mr. W. W. Hastings for Cherokee Nation.

- Q What is your name? A Sam Irven.
Q How old are you? A Elliott.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman?
A Intermarried.
Q Who do want to enroll besides yourself? A My wife and a couple of children.
Q What is your wife's name? A Mamie Claggett.
Q That was her name before you married her? A Yes sir.
Q How old is she? A 25.
Q What is your children's names? A Richard and Minerva, seven and four.
Q You are what is known as a state man? A Yes sir.
Q What is your wife's father's name? A Alexander Claggett.
Q Is he living? A Yes sir.
Q What is her mother's name? A Jane Claggett.
Q Is she living? A Yes sir.
BY MR. MELLETTTE:
Q How old is your wife? A 25.
Q How long have you been married to her? A About five years, going on six.
Q Have you a certificate of marriage? A Yes sir.

Com'r Needles: Applicant presents a duly authenticated marriage license issued by Joseph M. LaHay, Clerk of Cooweescoowee District, on the 12th day of December, 1895, under the seal of his office; said license being recorded as provided by law.

BY COM'R NEEDLES:

- Q What was your wife's name when you married her? A Claggett; Martin, of course she was named after the old lady.
Q The license were issued to marry Mamie Wilson and you were married to Miss Mamie Martin? A I made a mistake in giving in.
Q The certificate shows that you were married to Mamie Martin? A That was her name.
Q You said her name was Mamie Claggett? A She had a step-father named Alexander Claggett.
Q Well, her proper name was Martin was it? A Yes sir, I give the name in wrong.
Q The license you present authorizes you to marry Mamie Wilson?
A That is wrong.
Q Is Mamie Martin and Mamie Wilson the identical person?
A Yes sir.

BY MR. MELLETTTE:

Q Is your wife on the Kern-Clifton roll? A Yes sir, and Wallace roll.

The 1880 Authenticated roll of Freedmen of the Cherokee Nation examined and name of applicant's wife not found thereon. The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and name of applicants wife found thereon, page 102, #2543, Mamie Ervin, Cooweescoowee District. The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant's wife found thereon, page 127, #2677, Mamie Martin, Cooweescoowee District.

BY COM'R NEEDLES:

- Q Is Mamie your first wife? A Yes sir.
Q Were you ever married before? A (No response).
Q Are you her first husband? A Yes sir.
Q She was never married before? A No sir.
Q Have you been living together continuously? A Yes sir.
Q Are these two children living at this time? A Yes sir.

CHARLES CLAGGETT being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Charles Claggett.
Q Where do you live? A Live in Cooweescoowee District.
Q What is your age? A 35.
Q Do you know Mamie Irven? A Yes sir.
Q Formerly Mamie Martin? A Yes sir, or Wilson.
Q Did she ever go by the name of Wilson? A Well not since she married my father.
Q Not since who married your father? A Not since my stepmother married my father, that was her fathers.
Q Mamie's father was named Wilson? A Yes sir.
Q Is this Mamie Irven the daughter of Jane Claggett? A Yes sir, as far as I know she is.
Q Reputed to be? A No sir.

BY COM'R NEEDLES:

- Q How did she ever happen to be called Martin? A Her mother's former owners name.

BY MR. MELLETTTE:

- Q Her mother went by the name of Martin before she married your father? A Yes sir.
Q Has she lived in the Cherokee all her life, this Mamie?
A Ever since I knew her.
Q How long ago has that been? A Oh, she was a little bit of a girl, she could not have been over four or five years old.

COM'R NEEDLES: Samuel Irven applies for the enrollment of himself as an intermarried citizen and for the enrollment of his wife, Mamie, and two children as Cherokee Freedmen. He presents satisfactory proof of his marriage to one Jane Claggett according to the laws of the Cherokee Nation, said marriage having been solemnized on the 15th day of December, 1895; the license issued to him by the Cherokee authorities and recites that he is authorized to marry one Mamie Wilson. The certificate of marriage certifies that he was married to one Mamie Martin. The difference of names is fully explained in the testimony. He makes

satisfactory proof as to his residence. The name of Mamie Claggett, his wife, cannot be found upon the authenticated roll of 1880 or census roll of 1896, but she is duly identified upon the Kern-Clifton roll and Wallace roll, according to the page and number of the rolls as indicated in the testimony. He avers that he has two children, Richard and Minerva, whose names do not appear upon said rolls. It will be necessary for him to make satisfactory proof of their birth. Reference is made to the testimony taken in the matter of the enrollment of Alexander Claggett for the enrollment of himself and his wife, who are listed for enrollment of doubtful card #303/ and a copy of the testimony taken in said case will be a part of the record in the case at bar and said copy filed herewith. The said Samuel Irven will now be listed for enrollment as a Cherokee Citizen by intermarriage upon a doubtful card. His wife Mamie and two children, as enumerated herein, will be listed for enrollment as Cherokee Freedmen upon a doubtful card. He will be notified by mail of the action of the Commission in the matter of their application when the same is consummated.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes ~~taken~~ thereof.

(Signed) J. O. ROSSON.

Subscribed and sworn to before me this 8th day of July, 1901.

C. R. BRECKINRIDGE,
Commissioner.

Josie Davies, stenographer to the Commission to the Five Civilized Tribes, upon her oath states, that the above and foregoing is a full, true and correct copy of the original testimony of Sam Irven, taken at Nowata, Indian Territory, on June 21, 1901, now on file with the Commission.

Josie Davies

Subscribed and sworn to before me this 9th day of December, 1904.

Charles H. Sawyer
Notary Public.

Supl.C.F.-D.#305.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 8th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
ALEXANDER CLAGGETT, ET AL., as Cherokee Freedmen, introduced on
behalf of Cherokee Nation:

APPEARANCES:

Mr. Smith, of Counsel for Applicants;
Mr. Hastings, of Counsel for Cherokee Nation.

JOHN BROWN, being duly sworn by Commissioner Needles,
testified as follows, on behalf of Cherokee Nation.

Mr. Hastings: What is your name? A John Brown.

Q What is your post office? A Springer.

Q Indian Territory? A Yes, sir.

Q What is your age? A I am 52.

Q Do you know a colored man by the name of Jane Claggett, who is
the wife of Alexander Claggett? A Yes, sir.

Q Post office is Nowata? A Yes, sir.

Q How long have you been living down at Springer in the Chickasaw
Nation? A I have been down there a little bit over two.

Q Your wife is a Chickasaw? A Yes, sir.

Q You went from this country here down there? A Yes, sir.

Q Where did you know, first know Jane Claggett? A Well, the first
time I ever seen Jane was before the war, when she was a slave.

Q Well, when did you know her after the war? A First knew her
in '68, I met her at Ottawa, Kansas.

Q What were you doing at Ottawa, Kansas? A I went up there with
old negro Jess to help him draw some money from the government.

Q Took Jess up there in your wagon? A Yes, sir.

Q Was he a colored man? A Yes, sir.

Q Well, did you remain up there a while? A Yes, sir.

Q About how long? A I don't remember how long we were there, maybe
two or three weeks, maybe a month, we were there quite a little while.

Q I believe you testified in some other case that you were waiting
for some papers? A Yes, sir.

Q Well, did you see Jane Claggett on that trip? A Her name was
Reed then, she was sister-in-law to Jess and Jess said I have a sis-
ter-in-law in the town and said Let's go and see her and went down
there and it was Jane.

Q Did she have a husband? A Yes, sir.

Q That was in Ottawa, Kansas? A Yes, sir.

Q Her husband's name was Reed at that time? A Yes, sir.

Q Did they say anything about ever having been here since the war?
A No, sir.

Q Have you seen this Jane Claggett since she has been in this coun-
try? A Yes, sir.

Q What neighborhood did you move from when you went to the Chick-
asaw Nation a couple of years ago? A I went from Pryor's Creek,
it is in the Rider settlement.

Q How far is that from Chelsea? A About six miles.

Q How far is it from Nowata? A It is about 20 miles, I
guess, maybe a little further.

Q When did you first see this woman in this country? A I don't
remember, it has been several years.

Q Well, about how many after you were up in Kansas? I never met
her after for two or three years after I seen her in Kansas.

Q Was her name Fred then? A No, she had married this other man, Claggett, whatever his name was, Tiget or whater you call it; Clagget or whatever you callit, I don't know whether it is Tiget or Claggett.

Q Well, do you know that this Jane Claggett you saw up about Nowata is the same one you saw in Kansas? A Yes, sir.

Q You say she is a sister-in-law to Jess Brown? A Yes, sir, Jess' wife and her are sisters.

Q And that is what took you down to her place? A Yes, sir, and went there and found her.

Q Were they living in town or on a farm? A Living in town.

Q During your stay there they made no mention of having been down here? A No, sir.

MR. SMITH: That was in what year, Mr. Brown? A In '68.

Q How long was it after that before you saw Jane here,

A I don't know, it was three or four years, maybe longer, it was quite a little bit.

Q And when did you see her after that time in '68? A I don't remember, three or four years.

Q Where? A I met her at Gooseneck.

Q In the Cherokee Nation? A Yes, sir.

Q Did she have any children when you saw her in the Territory?

A If she did, I don't know whether she did or not.

Q What was this's mane name then she was married to, when you saw her down here in the Cherokee Nation? A It was either Tiget, or Claggett, Claggett I believe we always called him.

Q What was his first name? A I don't remember we always called him old man Tiget, or Claggett.

Q Who did this woman that you are talking about before the war, belong to before the war? A Joe Martin.

Q Was he a Cherokee citizen? A Yes, sir.

Q Living in the Cherokee Nation at the time the war commenced?

A Yes, sir.

Q And this woman was at the time the war commenced? A Yes, sir.

Q And all you know about is that you saw her up in Ottawa during '68? A Yes, sir.

Q What was she doing up there, workind? A She was living there in town.

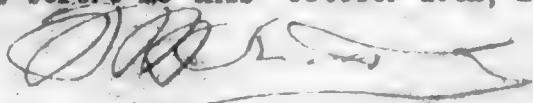
Q She washed, cooked or what? A I don't know, I know she was living there, I don't know how she made her living.

This Testimony will be made part of the record in Freedmen doubtful cases #315, #318, #798; a copy of the testimony will also be filed with the papers in the case of the applicant, Jane Claggett, D. #303.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this October 15th, 1901.



Commissioner.

798

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 28 1902

ACTING CHAIRMAN

Commissioner

Special Agent in Charge of the Five Civilized Tribes, Muskogean Agency, Muskogean Territory, Oklahoma.

Five copies of the report of the Special Agent in Charge of the Five Civilized Tribes, Muskogean Agency, Muskogean Territory, Oklahoma, dated March 28, 1902, and the report of the Special Agent in Charge of the Five Civilized Tribes, Muskogean Agency, Muskogean Territory, Oklahoma, dated March 28, 1902, are herewith transmitted to the Commission on the Five Civilized Tribes, Muskogean Agency, Muskogean Territory, Oklahoma, for their consideration and report.

2 215 sub D 1880 1011
By _____, Special Agent in Charge of the Five Civilized Tribes, Muskogean Agency, Muskogean Territory, Oklahoma.

of the 1880 1011.

I certify to have the attached copy of the report of the Special Agent in Charge of the Five Civilized Tribes, Muskogean Agency, Muskogean Territory, Oklahoma, dated March 28, 1902, and the report of the Special Agent in Charge of the Five Civilized Tribes, Muskogean Agency, Muskogean Territory, Oklahoma, dated March 28, 1902, are herewith transmitted to the Commission on the Five Civilized Tribes, Muskogean Agency, Muskogean Territory, Oklahoma, for their consideration and report.

Very truly yours,

File with Cherokee Freedman D- 798 Samuel Irwen et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., February 2, 1902.

SUPPLEMENTAL TESTIMONY OF DE SAID OF NATION, in the matter
of the application of Alexander Claggett et al for enrollment as
Cherokee Freedman, D-303.

Appearances:

Mr. Pellette, of Pellette & Smith, attorneys for applicants.
Mr. E. Hastings, of attorneys for the Cherokee Nation.

HAYWOOD ROYE, being sworn and examined testified as follows:

HAYWOOD ROYE:

- Q What is your name? A Haywood Roye.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Your name is on the 1860 roll? A Yes sir.
Q Where do you live? A I live at Talala, Cherokee Nation.
Q What is your age? A I am between 42 and 43 years old.
Q You know Alexander Claggett? A Yes sir.
Q Where does he live now? A On California Creek above Nowata,
Coconoscooee District, Cherokee Nation.
Q You know his wife, Jane? A Yes sir.
Q Where did you first see his wife Jane? A Council Grove, Kansas.
Q When was that? A That was the year before Lipe paid out that
bread money, that he paid out; Major Lipe was Treasurer, I don't
remember the date of the year, but it was the year before.
Q What were you doing up in Kansas? A I went up there to move
Uncle Jack Musgrove down here.
Q Did you move him? A Yes sir.
Q Did you see this man or the woman, which one did you see at that
time; did you see Jane? A Yes sir, I saw Jane.
Q Was her name Claggett at that time? A No sir, her name was
Jane Martin.
Q Did she have any children then? A Yes sir.
Q Do you remember any of them? A Yes sir, she had a boy by the
name of Will.
Q Why do you remember him now? A Reason I remember Will, she sent
him down here to his uncle Tom's with me, got me to bring him
from Council Grove to Coffeyville with me.
Q How long did you stay up around Council Grove? A I stayed up
there a little over three weeks.
Q Were those people living up there in the houses? A Yes sir.
Q Were you at their house? A Yes sir.
Q Did they talk any with you about this country down here? A Yes
sir, Mrs. Claggett asked me did I know this Brown family and Tom
Archer, I told her I did, and she asked me where did they live,
I told her Tom Archer lives in Coffeyville and Uncle George Brown
lived at Coon's Bluff. She said she hadn't seen them since she
left there about the breaking out of the war and she would like aw-
ful well to see them, could I get her to take my boy down to his
uncle Tom's at Coffeyville. That was Will.
Q And you brought Will along with you? A Yes sir.
Q Did you ever see Jane Claggett here after that in the Cherokee
Nation? A Yes sir.
Q How long after that? A They came that following fall; we come
in the spring and she come in the fall.
Q Now, Haywood, how you got any idea about how long after the war
this was; about how many years? A That?
Q You have no idea about how many years after the war this was?
A No sir. All I got by it was before and after Lipe payment.
Q How long before? A It was a year before the Major Lipe payment,
Major Lipe was Treasurer.

Q About how old were you at that time? A I was, don't know, I was considered a young man, I was a young man; I was my own boss, working out for wages.

Q You are 48 or 5 now are you? A Yes sir.

Q Are you were born in '68 or '69? A Born in '55.

Q You don't know when Mr. Lips made that payment? A No sir, not exactly; I don't remember the date of the year.

Q Can you remember the year? A No I don't know the year; it was either in '61 or '62. It was right after that payment. The payment was made in the summer and Mr. and Uncle Jack and Will got down here in April.

Q That is the time you brought Will down? A Yes sir.

Q Did she say anything about ever being down here since the war? A She said she never had been down here since the war, she didn't know where her people were living or dead.

BY THE EXHIBIT:

Q What is your name? A Haywood Ross.

Q Are you a Freedman citizen of the Cherokee Nation? A Yes sir.

Q Who owned you before the war? A My father belonged to the Rosses, and my mother she didn't really belong to anybody; she was Tom Peg's kinfolks; she had Indian kinfolks.

Q About what year was it you went into Kannas and saw Jane Claggett? A I went up there before the payment, the year before the payment.

Q I am not talking about the payment, I want to know what year it was? A I don't know, it was 21 or '2 years ago.

Q What makes you think it was 21 or '2 years ago? A I have been here 21 years, I was married in July and I come.

Q How long did you stay in Council Grove? A Three weeks or a little over.

Q How far is Council Grove from the Cherokee line? A I don't know, it is 175 or 60 or somewhere along there.

Q You had never seen this woman, Jane Claggett, before?

A No sir.

Q When did you first think about the fact of your having seen her up there 21 years ago? A I see and her very frequently talk about it.

Q You have talked about it with her? A Yes sir.

Q When did you talk about it with her? A Up at the barbecue this summer.

Q Up where? A At California Creek Barbecue.

Q What did she say about it? A I asked her had she been back up there since she moved up, she said no sir.

Q You don't know where she was in '35? A No sir.

Q You don't know whether she was here or not? A She said she was not here.

Q What do you remember that? A Well I was talking about the rights of the people here.

Q You can remember that for several years ago that she told you at that time she hadn't been down here? A Yes sir.

Q Why did you ask her that question? A She was asking me about her kin folks; she asked me first did the Indians quit killing the negroes for going down in the Cherokee Nation; I said they kill one once in a while and sometimes a negro kills an Indian; and she says I would like to go down there, I haven't been down there since the war; do you know Tom Albert and Jess Vann?

Q What did you tell her? A I told her yes. You know the Rosses? Yes sir; asked me did I know the Vanns? I told her yes; asked me did I know the Browns; I told her yes, Jim Brown that is son of her kinfolks; and she asked me did I know him, he is my half-brother; I says I did, where does he live, I says in Coffeeville, Kansas. He is my half brother.

Q What else did she say? A She said I want to come up here along with you and take her to see the Deeds; take her down to see the Uncle Albert and I will be down this fall.

Q What else did she say? A Talked about first one folks and then another.

Q Give me some words that she used? A She said people are coming in all the time along by what I told her, I told her yes they come in and out all the time; she asked me who was my folks; I told her; asked me who my folks was and I told her; asked me was her folks all about any living, and I told her; I answered as well as I knew how.

Q What else did she say in that conversation about anything, I don't care whether it was about her citizenship down here; what else? A I don't remember exactly every word.

Q Why can't you remember any other conversation that took place then? A I remember this much; she asked me did you have good schools down here; and I told her no; she said she would like to be where her children could get to school down here; she asked me did I go to school, I said a little, she said that would be a great draw back; she said I would like to have my children to go to school, but I don't want to lose my right down there; I don't know what all is talked together.

Q What else did she say? A I don't know what else she said.

Q Well about everything you talked about, we want to hear it? A That is about all I remember of it.

Q You are giving what she told you on that occasion? A Yes sir, we talked about it.

Q You have remembered that 21 years have you? A I remember it all right, we have talked about it along.

Q You remember one part of that conversation as well as you do another? A That part of it yes sir, because she turned her boy over to me and told me to bring him to his Uncle's.

Q Where do you live? A Talala.

Q Where does she live? A Nowata.

Q How far is that from you? A 12 miles from me.

Q Are you any relation to her? A No sir, none at all.

Q Is she here to-day? A No sir, I don't know whether she is or not.

Q What was her boy's name? A Will.

Q Will what? A Martin.

Q Where did you bring him to? A Coffeyville, Kansas.

Q You left him at Coffeyville? A Left him at Coffeyville.

Q You don't know where Jane Martin or Jane Claggett was in '68 or '69 or '55? A No sir, I didn't know her then.

Q Don't know anything about that? A No sir.

Q What part of Council Grove was she living in at that time?

A The streets was running east and west and she lived on the south side of the street with her three children.

Q She and her three children were living alone? A Yes sir.

Q How much of a house did they have? A They had a good little box house there.

Q You don't know how long they had been there? A No sir, she said she had been there quite a while.

Q You remember she told you at that time she had been there quite a while? A Yes sir.

Q How do you happen to recollect this conversation 21 years ago? A That's no trouble to recollect some things; I recollect things longer than that.

Q How can you remember she told you she lived at that house quite a while? A I can remember that until I died.

Q What? A I can remember that always, because it is not very strange; whenever two Indian darkies meet way off in the states they talk about parties.

Q You think it is not strange that you remember 21 years ago just the conversation that took place? A No sir, because it was like seeing some of my folks from the Nation.

Q Did you ever have any trouble with Jane Claggett? A Never did with Alexander Claggett? A Never did in my life; we are good friends.

Q Tell me your name again, I don't remember it? W Haywood Howe.

W. W. FASTIGES, being sworn, makes the following statement:

I desire to make the statement that the payment that was referred to by the witness in his testimony was made in 1890, or from the 1880 roll.

BY MR. FASTIGES: I want that testimony filed in D 515, D 518 and D 798.

W. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

W. D. Green

Subscribed and sworn to before me this February 4, 1902.

[Signature]

Commissioner.

RECORDED
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FEB 11 1902
U.S. DEPT. OF INTERIOR
BUREAU OF INDIAN AFFAIRS

Irred D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith, Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case T D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Sam Irvin, D 798;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decrees of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Dill of the United States Court, of the Northern District Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decrees already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.)

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd of February, 1896, and as the Commission must take judicial notice of the judgment-roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and perfect transcript of his stenographic notes thereof.

(Signed) E. G. Rothenbarger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath states that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Jane Claggett et al., for enrollment as Cherokee Freedmen, consolidating the applications of:

Jane Claggett et al.	Cherokee Freedmen D-303,
William Martin	Cherokee Freedmen D-315,
Clara Barnes et al	Cherokee Freedmen D-318,
Mamie Irven et al.,	Cherokee Freedmen D-798. ✓

*

DECISION.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Jane Claggett for herself and her minor daughter, Rose E. Claggett, and her husband, Alexander Claggett; by William Martin for himself; by John E. Barnes for himself, his wife, Clara, and their minor children, Jane and William Barnes; that subsequent to the date of the original application a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Precillar Barnes; and by Samuel Irven for himself, his wife, Mamie, and their minor children, Richard and Minerva Irven. Alexander Claggett, John E. Barnes and Samuel Irven possess only those rights they acquired by virtue of their marriage to their respective wives, herein, and their applications are not passed upon at this time, nor are they embraced in this decision.

The evidence shows that Jane Claggett and her son William Martin were the slaves of a Cherokee citizen at the commencement of the rebellion, and were taken out of the Cherokee Nation during said rebellion, but returned thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation et al., for the return of freedmen to said Nation; that all the other applicants herein are the descendants of Jane Claggett and were born since 1866.

It further appears that the said Jane Claggett is identified, by the name of Jane Martin, on the Cherokee census roll of 1867, made under the provisions of Article twelve, section one, of the treaty of 1866.

The evidence further shows that the said Jane Claggett, William Martin, Clara Barnes and Mamie Irven have resided in the Cherokee Nation continuously for more than twenty years immediately preceding the date of their application herein. It is considered that the minor children above named, have resided all their lives with their parents, through whom they claim.

It is, therefore, the order of this Commission (and
John Elliott, Sam R.
Barber, William
Irvin and Kinsey
in accordance with the provisions of
of Congress approved June 20, 1904,
as ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(Signed) _____ Tom Sisk
Chairman.

(Signed) _____ T. B. Neelley
Commissioner.

(Signed) _____ C. R.
Commissioner.

Mustang, Indian Territory,
this Jul 25, 1904.

Department of the Interior

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by inter-marriage of the Cherokee Nation, consolidating the applications of:

William Davis,	Cherokee Freedmen D. 14,
Henry Tubman,	Cherokee Freedmen D. 88,
Ellis Vann,	Cherokee Freedmen D. 70,
Mary Markham,	Cherokee Freedmen D. 100,
Frances Melton,	Cherokee Freedmen D. 110,
John Dotson,	Cherokee Freedmen D. 111,
Mary Jane Vann,	Cherokee Freedmen D. 115,
Thomas Lowe,	Cherokee Freedmen D. 118,
Ellis Mayfield,	Cherokee Freedmen D. 124,
Sallis Rider,	Cherokee Freedmen D. 127,
Reuben Campbell,	Cherokee Freedmen D. 167,
Van Jackson Luther,	Cherokee Freedmen D. 174,
Cassie Middleton,	Cherokee Freedmen D. 178,
Mary Harlin,	Cherokee Freedmen D. 179,
Nellie Fields,	Cherokee Freedmen D. 183,
John Khatie,	Cherokee Freedmen D. 188,
William S. Madden,	Cherokee Freedmen D. 189,
Jané Bean,	Cherokee Freedmen D. 205,
Albert T. Thomas,	Cherokee Freedmen D. 240,
Mary Campbell,	Cherokee Freedmen D. 244,
Caroline Daniels,	Cherokee Freedmen D. 282,
Melvina Alberty,	Cherokee Freedmen D. 287,
Dave Morris,	Cherokee Freedmen D. 288,
Alexander Chiggett,	Cherokee Freedmen D. 308,
Annanda Martin,	Cherokee Freedmen D. 304,
Ellis Martin,	Cherokee Freedmen D. 377,
John E. Barnes,	Cherokee Freedmen D. 315,
Bell Davis,	Cherokee Freedmen D. 333,
Samuel Brown,	Cherokee Freedmen D. 345,
Howard F. Watson,	Cherokee Freedmen D. 347,
Jack McConnell,	Cherokee Freedmen D. 348,
Maudie Mauley,	Cherokee Freedmen D. 355,

George Reed, Sr.,
Buck Ledman,
Bell Thompson,
Lewis Scott,
Abe Scott,
Kendler Lempke,
Thomas B. Allen,
Lewis Vanderford,
John L. Bowlin,
Katie Davis,
Charles Williams,
John J. Rose,
Jase Martin,
Lena Peterson,
Alex Johnson,
Martha Vann,
John Scott,
Nancy Rose,
Charles C. Smith,
Sueie Colbert,
William Skaggs,
Sueie Johnson,
Alfred P. Hopkins,
Kissie Vann,
Freddie Looney,
Lucy Chouteau,
Alice Durant,
Mahaley Ward,
Fred D. Thomas,
Bettie Beck,
Ellie Warren,
Millie Robinson,
Mary Webber,
Frances Martin,
Mary Riley,
Emmanuel Taylor,
Henry Sykes,
Larkin P. Powell,
Stepney Dawn,
Malinda Vann,
Frances Johnson,
Annie Foster,
Mary H. Rogers,
George Washington Lane,
Jane Brown,

Cherokee Freedmen D—369,
Cherokee Freedmen D—406,
Cherokee Freedmen D—411,
Cherokee Freedmen D—420,
Cherokee Freedmen D—421,
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Cherokee Freedmen D—753,
Cherokee Freedmen D—755,
Cherokee Freedmen D—760,

Samuel Le-Young,
John Backner,
Willie Cox,
Leonard Bowles,
Malinda Murrell,
Charles Claggott,
Samuel Irvon,
Mary Ross,
Maggie Nave,
Neoma Nave,
Ella Ross,
Blissboth Duncan,
Sadie Adams,
Georgiana Archer,
John Claggott,
Hattie Smith,
Jack Jackson,
Lula Sanders,
George Hasselrig,
Lizzie West,
Maria French,
Mary Johnson,
Maggie Vann,
William Hudson,
Sarah Rogers,
Abraham Ballard,
Laura David,
John Deckman,
James B. Perry,
Isaac Welch,
Lawson Logan,
George Howell,
Henry Masie,
George Adams,
Annie Thomas,
Lewis McConnell,
Callie Vann,
Lou Peters,
Ida Adair,
Robert Brown,
Allie Chambers,
Jacob Jones,
Alice Gunter,
Katie Adair,
Carrie Martin,

Cherokee Freedmen D—561,
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Cherokee Freedmen D—781,
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Cherokee Freedmen R—104,
Cherokee Freedmen R—105,
Cherokee Freedmen R—106,
Cherokee Freedmen R—107,

Benjamin Clark,
 Emily Dooney,
 John Groves,
 Matilda McNair,
 Bettie Vann,
 Nelson Lett,
 Fannie Rogers,
 William Washington,
 Squire Warren Owens,
 Fannie Goldsby,
 Susan Daniels,
 Anderson Turk,
 David Lane,
 Felix McClain,
 Henderson Jones,
 Belle Vann,
 Levi Stroud,
 John Sumpter,
 Mariah Thompson,
 Ellen Sheppard,
 Lula Melton.

Cherokee Freedmen R--108,
 Cherokee Freedmen R--110,
 Cherokee Freedmen R--112,
 Cherokee Freedmen R--117,
 Cherokee Freedmen R--122,
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 Cherokee Freedmen R--131,
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 Cherokee Freedmen R--144,
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 Cherokee Freedmen R--148,
 Cherokee Freedmen R--155,
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 Cherokee Freedmen R--173,
 Cherokee Freedmen R--181,
 Cherokee Freedmen R--196,
 Cherokee Freedmen R--211,
 Cherokee Freedmen R--230,
 Cherokee Freedmen R--237,
 Cherokee Freedmen R--247.

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by inter-marriage, were made to this Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Jim Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Eider for his wife, Sallie Eider; by Reuben Campbell for himself; by Van Jackson Luther for himself; by Tobe Middleton for his wife, Cassie Middleton; by Thomas Hylia for his wife, Mary Harlin; by John Fields for his wife, Nettie Fields; by John Kimbo for himself; by William S. Madden for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Payton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard F. Watson; by Jack McConnell for himself; by Maude Mahley for herself; by George Reed, Sr. for himself; by Buck Ledman for himself; by Bell Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Kender Lupton for himself; by Thomas E. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Maviah Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Eliza Looney for Nancy Ross; by Charles C. Smith for himself; by James Gilbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Hiley for his wife, Mary Hiley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Stepany Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr., for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Melinda Murrell; by Charles Claggett for himself; by Samuel Iven for himself; by David Ross for his wife, Mary Ross; by George E. Nave for his wife, Maggie Nave; by Lewis Aramstead Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Fattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lula Sanders; by Mary Hazalig for her husband, George Hazalig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckman for himself; by James B. Perry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McConnell for himself; by Josh Vann for his wife, Ollie Vann; by Lon Peters for herself; by Robert Adair for his wife, Ida Adair; by Josie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Gross for her husband, John Groves; by Butler McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allon Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Lett for himself; by Felix McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stat., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawd, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Williq Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irvan, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY,
Chairman.

[SIGNED] T. B. NEEDLES,
Commissioner.

[SIGNED] C. R. BRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

Handwritten text, possibly a name or address.

MAR 23 1900

Handwritten signature or name.

LIBRARY

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Samuel Irven,
Elliott, I. T.
Cherokee F-B-708
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

#77

No. D. ^F 798

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
day of A. D. 1901

Given under my hand this
day of A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the

day of **SEP 18 1901** 1901.

Willetto Smith
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 1901

Subscribed and sworn to before me
this day of A. D. 1901.

Notary Public.

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 18 1901

[Signature]
ACTING CHAIRMAN

1901

NOTICE!

IN THE MATTER OF the application of Samuel Irvon
for enrollment as a Cherokee citizen:

Case No. D 798

To ~~Samuel Irvon or Mellette & Smith his Attys.~~

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, on Oct. 5th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 17 1901

L B Bell
W. W. Hastings
Attorneys for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 20 1901

[Handwritten Signature]

ACTING CHAIRMAN

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, AUG 26 1901, 1901.

Received of the Commission to the Five Civilized
Tribes one copy of the testimony in the matter of the
application of Samuel J. Smith et al for en-
rollment as Cherokee Freedmen.

Cher Cherokee Freedmen # AD 98

Missouri Smith
Att'y for applicants

COPY.

Cherokee Freedmen
D-303-315-798.

Muskogee, Indian Territory, August 18, 1904.

Edgar Smith,

Attorney for Jane Claggett, et al.,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the Commission's decision, dated July 23, 1904, in the consolidated case of Jane Claggett, et al., granting, among others, the applications for the enrollment of Jane and Rose E. Claggett, William Martin and Mamie, Richard and Winerva Irven as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished Jane Claggett, Newata, Indian Territory, by the attorney for the Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. 899.
Register.

Tams Bixby, Chairman,
Commissioner in Charge.

COPY.

Cherokee Freedmen

D-798.

Muskogee, Indian Territory, August 18, 1904.

Samuel Irvan,

Elliott, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 23, 1904, granting, among others, your application for the enrollment of your wife, Mamie Irvan, and your two minor children, Richard and Minerva Irvan, as Cherokee freedmen. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished Jane Claggett, Nowata, Indian Territory, by the attorney for the Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is in

formed of the same.

Respectfully,

Tame Dixby.

Chairman.
Commissioner in Charge.

Encl. B-08.

Register.

COPY.

Cherokee Freedmen
D-303-315-316-798

Muskogee, Indian Territory, August 19, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Jane Claggett, et al., including the Commission's decision, dated July 23, 1904, granting the applications for the enrollment of Jane and Rose E. Claggett, William Martin, Clara, Jane, William and Precillar Barnett and Marie, Richard and Minerva Irvan as Cherokee freedmen.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

Tams Bixby.
Chairman.

Encl. 9-100.

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen

D-798.

Muskogee, Indian Territory, September 9, 1904.

Sam Irvin,

Wann, Indian Territory.

Dear Sir:

The Commission is in receipt, by reference from the Secretary of the Interior, of your letter of August 20, stating that you had made application to the Commission for the enrollment, as a Cherokee freedman, of your infant child William Irven, on August 29, 1902; that said child died on September 3, 1902, and asking what steps to take in the matter.

In reply you are advised that the Commission's records fail to disclose that application has ever been made to this Commission for the enrollment of the above named William Irven as a freedman of the Cherokee Nation. You are further advised that this Commission is now without authority to receive applications for enrollment in that Nation.

Respectfully,

(SIGNED)

Tam S. Birby,
Chairman.

COPY.

Cherokee Freedmen
D-798

Muskogee, Indian Territory, October 29, 1904.

Samuel Irvan,

Elliott, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 23, 1904, granting, among others, the application for the enrollment of your wife, Mamie Irvan, and your minor children, Richard and Minerva Irvan, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 20, 1904.

Respectfully,

(SIGNED)

James Bixby
Chairman.

COPY.

Cherokee Freedmen

et al.

Muskogee, Indian Territory, October 29, 1904.

Edgar Smith,

Attorney for Jane Claggett, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 23, 1904, granting, among others, the applications for the enrollment of Jane and Rose E. Claggett, William Martin, and Mamie, Richard and Minerva Irvan, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 20, 1904.

Respectfully,

SIGNED,

Tame Birby.

Chairman.

COPY.

Cherokee Freedmen.
D-200 et al.

Muskogee, Indian Territory, October 29, 1904.

Bell, Hastings and Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated July 23, 1904, granting the applications for the enrollment of Jane and Rose E. Claggett, William Martin, Clara, Jane, William and Precillar Barnes, and Mamie, Richard and Minerva Irvon, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 20, 1904.

Respectfully,

(SIGNED) *Tame Bixby*
Chairman

COPY.

Cherokee Freedman
D-798.

Muskogee, Indian Territory, January 24, 1906.

Samuel Irvon,

Elliott, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1906, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage. A copy of the Commission's decision has this day been forwarded to your attorney, Edgar Smith, Vinita, Indian Territory.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED: *Tamm Dixby.*
Chairman.

Encl. L-93.

Register.

COPY.

Cherokee Freedmen
B-208 et al.

McKeesee, Indian Territory, January 24, 1908.

Wigor Smith,

Attorney for Jane Bean et al.,

Visita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1908, rejecting, among others, the applications for the enrollment of Jane Bean, Albert T. Thomas, Melvina Alberty, Alexander Claggett, Amanda Martin, Naud Markey, Katie Davis, Charles Williams, John J. Ross, Alex Johnson, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred F. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Mahalay Ward, Millie Robinson, Frances Martin, Mary Riley, Samuel Irvon, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Ida Adair, Robert Brown, Isaac Jones, Alice Gaster, Katie Adair, Susan Daniels, and Levi Stroud as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. 1-183.
Register.

(SIGNED).

Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen
D-14 et al.

Muskogee, Indian Territory, January 24, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Karlin, Nellie Fields, John Kinbe, William S. Hadden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Manda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kendal Lampton, Thomas E. Allen, Lewis Vanderford, John I. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Fizzie Vann, Freddie Letney, Lucy

Chouteau, Alice Durant, Mahaley Yard, Fred D. Thomas, Bettie Beck,
Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary
Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephen Dora,
Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers,
George Washington Lane, Jane Brown, Samuel L. Young, John Buckner,
Willis Cox, Leonard Bowles, Malinda Furrall, Charles Claggett,
Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross,
Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett,
Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie
West, Maria French, Mary Johnson, Maggie Vann, William Hudson,
Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James
E. Perry, Isaac Welch, Lawson Logan, George Howall, Henry Maair,
George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lew
Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones,
Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily
Looney, John Groves, Matilda McHair, Bettie Vann, Nelson Lett,
Fannie Rogers, William Washington, Squire Warren Owens, Fannie
Goldoby, Susan Daniels, Anderson Turk, David Lane, Felix McClain,
Henderson Jones, Belle Vann, Levi Strud, John Sumpter, Mariah
Thompson, Ellen Sheppard and Lula Melten, as Cherokee citizens
by intermarriage.

The decision, together with the record of proceedings
had in the case, has this day been transmitted to the Secretary
of the Interior for his review and decision. The action of the

Enclosure will be made known to you as soon as the Commission is
informed of the same.

Respectfully,

ASIGNED, *James Birby*
Chief Clerk

Incl. K-O.

COPY.

Cherokee Freedmen
2-14 et al.

Muskogee, Indian Territory, January 24, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Hayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinbe, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Ananda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Edward F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Leeman, Bell Thompson, Lewis Scott, Abe Scott, Rendar Lampton, Thomas E. Allen, Lewis Vanderford, John J. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Hess, Charles G. Smith, Susie Gilbert, William Skaggs, Susie Johnson, Alfred P. Popkins, Kissie Vann, Freddie Looney, Lury Chouteau, Alice Durant, Mahaley Ward, Fred J. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber,

Frances Martin, Mary Riley, Manuel Taylor, Nancy Sykes, Larkin F. Powell, Stephen Jawn, Malinda Vann, Frances Johnson, Annie Foster, Mary E. Rogers, George Washington Lane, Jack Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Kurrell, Charles Claggett, Samuel Irvan, Mary Ross, Maggie Nave, Emma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazabrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deokman, James B. Perty, Isaac Welch, Lawson Logan, George Howell, Henry Kaur, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Aline Carter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Locney, John Groves, Matilda McVair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Supter, Mariah Thompson, Ellen Sheppard and Lala Melton, as Cherokee citizens by inter-marriage, including the Commission's decision dated January 13, 1906, rejecting said applications.

Respectfully,

(SIGNED) *Tams Dicks*

Incl. K-6.
Through the
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Refer in reply
to the following:
Land.
7908-1905.

WASHINGTON, March 20, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1905, transmitting the record of the application for the enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kentler Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahalsy Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley.

Emanuel Taylor, Henry Eyles, Larkin P. Powell, Stepney Darn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Equire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Shappard, and Lula Malton.

January 19, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that none

is identified on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (I. T. D. 5248-1904) in the Lemuel Welcome case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Lawrence

Acting Commissioner.

H.M.H.
V.

(COPY)

D. C. 20877-1905
I. T. D. 2904-1905

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

V.C.P.
F.H.E.
L.R.S.

April 17, 1905.

Commission to the Five Civilized Tribes,
Muskegee, Indian Territory,
Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Ballie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William B. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Neld David, Samuel Brown, Howard E. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Beatt, Abe Beatt, Hender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Reas, Jane Martin, Lena Peterson, Alex Johnson, Martha Yann,

-2-

John Scott, Nancy Ross, Charles C. Smith, Susie Colbert,
William Kraggs, Susie Johnson, Alfred F. Hopkins, Kizzie Vann,
Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward,
Fred D. Thomas, Bettie Beck, Ellis Warren Millie Robinson,
Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry
Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances
Johnson, Annie Foster, Mary H. Rogers, George Washington Lane,
Jake Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard
Bowles, Malinda Murrell, Charles Claggett, Samuel Irvan, Mary
Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan,
Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith,
Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West,
Maria French, Mary Johnson, Maggie Vann, William Hudson,
Sarah Rogers, Abraham Hallard, Laura David, John Deckman,
James B. Perry, Isaac Welch, Lawson Logan, George Howell,
Henry Masir, George Adams, Annie Thomas, Lewis McConnell,
Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers,
Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin
Clark, Emily Looney, John Graves, Matilda McHair, Bettie Vann,
Nelson Lett, Fannie Rogers, William Washington, Squire Warren
Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane
Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John
Sumpter, Mariah Thompson, Ellen Sheppard, and Luis Melton.

Reporting in the matter March 21, 1935, the Indian
Office recommends that your decision be approved. A copy of
its letter is inclosed.

The Department concurs in said recommendation, and your
decision is hereby affirmed.

Respectfully,

1 Inclosure.

(Signed) W. H. H. K. H.
Acting Secretary

COPY.

Cherokee Freedman

D-798.

Hankogee, Indian Territory, April 26, 1905.

Samuel Irwin,

Willet, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1903, rejecting your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

SIGNED:

Tamis Bibby

Chairman.

COPY

Cherokee Freedmen

D-795.

Muskogee, Indian Territory, April 28, 1905.

Edgar Smith,

Attorney for Samuel Irven,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the application for the enrollment of Samuel Irven as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

SIGNED,

Tame Birby.

Chairman.

COPY.

Cherokee Freedmen

D-14, et al.

Muskogee, Indian Territory, April 28, 1905

Ball, Hastings & Ragsdale,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

SIGNED: *Tama Biaby.*
Chairman.

COPY.

Cherokee Freedmen

D-14, et al.

Muskogee, Indian Territory, April 23, 1905.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) *Tams Bixby.*
Chairman.

COPY
Cher kee Freedman

D-798.

Muskogee, Indian Territory, August 5, 1905.

Sam Irvan,

Wann, Indian Territory.

Dear Sir:

This office is in receipt of your letter of August 4, asking to be advised if your youngest child, who was born January 16, 1904, is entitled to an allotment of land in the Cherokee Nation. You request that your Marriage License and Certificate be returned to you.

In reply you are advised that the Cherokee Agreement proclaimed August 12, 1902, provides that no child born to recognized and enrolled citizens of the Cherokee Nation subsequent to September 1, 1902, shall be placed upon the roll of citizens of the Cherokee Nation.

You are further advised that it appears from the records of this office that your Marriage License and Certificate was forwarded to the Secretary of the Interior with the record of proceedings had in your case, together with the decision of the Commission to the Five Civilized Tribes rejecting your application. The action of the Commission was ap-

proved by the Secretary of the Interior on April 17, 1905,
and the record in your case was retained by the Department.

Respectfully,

SIGNED:

James Dixie
Commissioner.

Char. Fr. R. 739

Char. Fr. R. 739

Trans. from F.D 799

script of the testimony and proceedings in the above case.
and that same is a true and complete copy of the original from
the Commission to the five Civilized Tribes he made the foregoing
T. O. Kosson, being duly sworn, states that as stenographer to

---0000000000---

1901, at Cheyenne, I. T.
Subscribed and sworn to before me this the 11th day of June,
(Signed) T. B. Needles,
Commissioner.

(Signed) Chas. Von Weizae.
I have and collect transcript of his stenographic notes therein.
Proceedings in the above case and that the foregoing is a full,
Commission to the five Civilized Tribes he reported in 1871 all the
Chas. Von Weizae, being sworn states that as stenographer to the

her death.
parents from Kansas and lived in the Cherokee Nation until
she was born in the Cherokee Nation after the return of her
Nation. And as for the woman Ida, the mother of John Spang,
State of Kansas and lived with her death in the Cherokee
that Miss came here with her father and mother from the
of the father and mother of the woman Eliza, and of the fact
however, in this instance, coming to the status, as stated,
much as twelve years. The wife's status is not affected,
being an error in the evidence that she has been dead as

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
AUG 11 1901

7999

To be filed with case of David Ross, C. F. D.#799.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHILMEEA, I.T., JUNE 5, 1901.

In the matter of the application of Joe Ross for the enrollment of himself and two grand children as Cherokee Freedmen; being sworn and examined by commissioner Breckinridge, he testified as follows:

Appearances:

Mr. Mellette, of Mellette & Smith, for applicant;
Mr. Davenport, for Cherokee Nation.

- Q Give me your name? A Joe Ross.
- Q How old are you? A I am betwixt 66 and 70 somewhere along there.
- Q What is your post office, A Coffeyville.
- Q In what district do you live? A Coowescoowee.
- Q Do you want to be enrolled as a Cherokee freedman? A Yes, sir.
- Q Do you want to apply for anybody besides yourself? A And 2 grandchildren.
- Q How long have you lived in the Cherokee Nation? A I have been living in here all the while.
- Q All your life? A Yes, sir.
- Q Were you out during the war? A Yes, sir.
- Q Have you lived here all your life except during the war?
A Yes, sir.
- Q Give me the name of your father? A Moses Ross.
- Q Is he dead? A Yes, sir.
- Q How long has he been dead? A Been dead a good while, about time the war was going on.
- Q Give me the name of your mother? A She was named Phillis.
- Q Is she dead? A Yes, sir.
- Q How long has she been dead? A She has been dead since the war a while.
- Q Were you a slave in the Cherokee Nation when the war came on?
A Yes, sir.
- Q Who was your master? A John Ross, Chief.
- Q Now give me the names of these two grandchildren you want to apply for? A Irving Looney.
- Q How old is this child Irving? A He is about 13.
- Q Now give me the name of the next child A Johnnie Shadd.
- Q How old is John Shadd? A He is 12 years old.
- Q Now these children, are they by the same mother, or by different mothers? A Different mothers; both my daughters.
- Q Give me the name of the father of Irving Looney? A Al Looney is his father.
- Q Is Al Looney dead? A No, sir he is alive.
- Q Is he a Cherokee Freedman? A Yes, sir.
- Q Give me the name of the mother of Irving Looney? A She was Eliza Looney.
- Q She was your daughter? A Yes, sir.
- Q She is dead is she? A Yes, sir.
- Q How long has she been dead? A She has been dead about 12 or 13 years I guess, as near as I can guess at it.
- Q How old was she when she died do you know? A No, sir, I don't know exactly how old.
- Q What was the name of the mother of Eliza? A Sarah Ross, that was my wife.
- Q Was Sarah Ross your first wife? A Yes, sir.
- Q Were you her first husband? A Yes, sir.
- Q How long has Sarah Ross been dead? A She has been dead since along in February.
- Q Last February? A Yes, sir.
- Q When were you and she married? A Back in slavery time.
- Q Did you and he live together from the time of your marriage until she died? A Yes, sir.
- Q Now, give me the name of the father of this child John Shadd?
A Albert Shadd.

- Q Is Albert Shadd dead? A No, sir.
Q Is he a Cherokee freedman? A No, sir.
Q State man, is he? A Yes, sir.
Q Colored man? A Yes, sir.
Q Give me the name of the mother of this child, John Shadd?
A Ida Shadd.
Q Was she your daughter? A Yes, sir.
Q Is she dead? A Yes, sir.
Q How long has she been dead? A Some six or seven years I guess.
Q How old was she when she died? A I don't know exactly how old about 16 or 17 I guess.
Q Is this her only child? A Yes, sir.
Q Was she the daughter of your wife, Sarah? A Yes, sir.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant and wife and names not found.

- Q Was your wife, Sarah, ever on the 1880 roll? A No, sir, not as I know of.
Q Your daughter Eliza, she was not on that roll either? A No, sir.
Q And your daughter Ida she was not on that roll either? A No, sir/

1896 vensus roll of citizens of the Cherokee Nation examined for applicants and names not found.

- Q None of your people were on the 1896 roll were they? A No, sir.

1880 roll examined for Al Looney, and name not found;
1896 vensus roll examined for Al Looney and name not found

- Q Did you draw strip money? A Yes, sir.
Q Did your wife Sarah draw with you? A Yes, sir, she drew too, her and the children and I drew to myself, I am all to myself, she took all the children and enrolled them with her. ~~xxx~~ Sarah Ross, ~~xx~~ my wife.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
Page 145, #3593, Joe Ross, Cooweescoowee District.
Page 145, #3592, Sarah Ross, Cooweescoowee district.
The Kerns-Clifton pay roll of citizens of the Cherokee Nation examined for Eliza and Ida, applicant's daughters, and not found thereon.
Page 145, #3599, Ervin Looney, Cooweescoowee District.
Page 145, #3598, John Shad, Cooweescoowee district.
Kerns-Clifton pay roll examined for Al Looney and not found

Wallace roll of citizens of the Cherokee Nation examined, and applicant identified on page 136, #2845, Joseph Ross, "Cherokee Nation" given as district.

Wallace roll examined for applicant's 2 grandchildren and named not found;

Wallace roll page 139, #2921, Ida C. Shadd, (No district.)

- Q What was your wife's other name? A Debbie Williams.

Wallace roll examined for Eliza Looney and not found.

- Q Was Eliza Looney your daughter by your wife Sarah? A Yes, sir.
Q Who did your wife Sarah belong to? Did she belong to ole Chief Ross? A No, sir, she belonged to Buffalo-head Williams.
Q Was he a Cherokee citizen? A He was a white man, but his wife was a Cherokee.
Q Did your wife belong to his wife? A She belonged to Buffalo-head's daughter, Emily Williams.

Q. Was she a recognized Cherokee citizen? A Yes, sir.

COMMISSION ADJOURNS, IT BEING 6 O'CLOCK, P.M.,
UNTIL 8 A. M. TO-MORROW MORNING, JUNE 6th, 1901.

Remainder of this case was taken by stenographer Chas/ von
Weiss.

M. D. Green, being first duly sworn, stated that as stenographer
to the Commission to the Five Civilized Tribes he correctly recorded
the testimony and proceedings in this case and that the foregoing
is a true and complete transcript of his stenographic notes thereof.
(Signed) M. D. Green.

Subscribed and sworn to before me this June 6, 1901:

(Signed) T. B. Needles,
Commissioner.

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Continued from notes of Stenographer M. D. Green.

Chelsea, I. T. June 6th, 1901.

Mellette & Smith present for applicant.
James S. Davenport for the Cherokee Nation.

JOE ROSS, the applicant, recalled, and examined further
by Mr. Mellette:

- Q Did you leave the Cherokee nation during the war? A Yes, sir.
Q Where did you go to? A Bourbon County.
Q In what state was it? A I don't know in what state it was, it
was at Fort Scott.
Q In Kansas? A Yes, sir.
Q When did you come back to the Cherokee Nation? A The first
time was in '65, me and Nels Murrell, Frank Nave.
Q Where did you come to that time? A On Virdigris with a load
of flour.
Q How long did you stay that time? A A week or 10 or 12 days.
Q When did you come the next time? A In '66 in the fall.
Q Who came with you then? A Me and Steve Looney, Jacob Ross and
Nels Murrell and lots of others.
Q What about your family? A I had a family.
Q Where were they? A I brought the, with me.
Q Where did you locate then? A On the Virdigris.
Q In what country? A Coowescoowee district.
Q What Nation? A Indian Nation.
Q What Nation is this? A Coowescoowee.
Q Where is the Cherokee nation? A This is the Cherokee Nation.
Q Did you come on the Virdigris in this Nation, in the Cherokee
Nation? A Yes, sir.
Q Where have you lived since '66? A Right there on the river.
Q Ever vote in this country? A Yes, sir.
Q How many times? A Three times.
Q What office did you vote for? A Voted for William P. Ross I
think he was running for Chief.
Q Who else did you vote for? A That is all I voted for.
Q Any district officers, Sheriff or such? A Yes, sir, I voted
once for Jas LeHay in Coosensock.
Q When you came back to this country in '66, did you make yourself
a place? A Yes, sir, I made a place in '65, me and Nels Murrell
and Frank. Put up a little hut and we went back and got our family

and came down again in '66 and never went back to Kansas no more I didn't.

Q. Have you owned an improvement on the public domain of the Cherokee Nation ever since? A Yes, sir.

Q. Since when? A Since '66.

Q. How much of a place do you own now? A About 50 acres.

Q. Have you ever rented land to non-citizens? A Yes, sir.

Q. Have you any permits that were issued to you by the Cherokee authorities to hire non citizen labor? A Yes, sir.

By Mr. Davenport: I object to this going in the record as it is immaterial and incompetent and does not tend to prove the right of this applicant to enrollment.

By Mr. Mellette: The applicant asks to file as a part of the record in this case, eight permits issued to him by the Cherokee authorities, authorizing him to employ non-citizen labor.

By Mr. Davenport: The representatives of the Cherokee Nation object to the introduction of the permits referred to for the reason that they do not tend to prove that the applicant was a slave or a recognized Cherokee citizen and in the Cherokee Nation prior to the breaking out of the Civil war, or that he returned to the Cherokee Nation within six months after the treaty of 1866 was made between the United States and the Cherokee Nation; and if the Clerk of the Cooweescoowee district violated the law and issued said permits to this claimant, it would have no bearing whatever toward proving the right of the applicant to be admitted to citizenship.

By Com'r Breckinridge: The applicant presents herewith eight permits endorsed as shown by the Clerk of Cooweescoowee district, Cherokee Nation, and dated in the years, 1893, '94, '97, and one of them being of the year 1888, authorizing him to employ labor; these permits are all objected to by the Cherokee representatives present on the ground that there are many intruders in the Territory who are occupying land and renting it out and employing laborers contrary to law; but of course these permits are ascertain recognition by certain Cherokee officials of the person in question, and the objection will be noted but the permits will be filed as a part of the proceedings for such consideration as they may seem to be entitled to.

By the Cherokee Representative: The representatives of the Cherokee Nation in support of their objection to the introduction of the permits as above, calls attention to sections 652, 3 & 4 of the compiled laws of the Cherokee Nation of 1892.

By Mr. Davenport of applicant: You own a farm in the Cherokee Nation? A Yes, sir.

Q. You have never been recognized as a Cherokee Freedman by the Cherokee Nation have you? A Yes, sir, I must have been as they issued me those permits.

Q. Are you on any of the rolls of the Cherokee Nation? A They must have recognized me as a citizen as they give me them permits.

Q. You know if you are a disputed citizen or not? A I don't know as I is or not.

Q. Are you on the roll of 1880? A No, sir.

Q. Not on the census roll of 1896 are you? A No, sir.

Q. You know of a number of claimants holding places all over the Cherokee Nation don't you Joe? A Yes, sir.

Q. You know of Bill Stevenson holding one don't you? A No, sir, I don't.

Q. You know of L. H. Singleton holding one? A I don't know of it.

Q. What year was it you voted for William P. Ross as Chief? A I don't know what years it was.

Q. Don't you know that William P. Ross never made the race from Chief in the Cherokee Nation in his life? A No, sir, I don't.

- Q Don't you know the only time that he held the office of Chief that he was appointed? A No, sir, I don't know nothing about it.
- Q You do know though that he never was a resident of Cooweescoowee district don't you? A I don't know.
- Q Don't you know that you never did vote for William P. Ross for Anything? A Yes, sir, I voted for him.
- Q How long did you stay in Fort Scott? A I don't know.
- Q While there did you know a man named Rector who was Sheriff of that county? A No, sir.
- Q Did you know Mrs. & Mr. Brumby who lived up there? A No, sir.
- Q Did you live in the same neighborhood as Nelse Murrell up there? A No, sir, I never had no certain place to stop, I worked a while at one place and then moved on to the next.
- Q Didn't you live up there in the same settlement with Nelson Murrell in what was known as the Rector or Brumby Settlement and didn't you know a man there named Rector who was Sheriff? A No, sir, I don't know of that.
- Q Did you come back with Nelson Murrell or after Nelson Murrell come back here? A Me and him come together in '65.
- Q Don't you know it to be a fact that Nelson Murrell made a crop in '67 on the Brumby and Rector place? A I don't know it.
- Q Was he or was he not living in the State of Kansas in '67? A I don't know about him living there in '67.
- Q Don't you know it he was there then and made a crop on the Brumby place? A I don't know nothing about no crop.
- Q Was he in Kansas or in the Cherokee Nation in '67? A I don't know nothing about that. Don't know nothing about '67.
- Q How do you happen to know about '65 Joe? A I heard that when we come here the first time was in '65.
- Q When you first come down had the treaty been made yet? A Yes, sir, they was talking about it being made.
- Q Then you went back to Kansas and come down in '66 with your family? A Yes, sir, in the fall.
- Q But you had heard of the treaty in '65? A Yes, sir.
- Q You and Nelse Murrell never settle a place in the Cherokee Nation in '65 did you Joe? A Yes, sir.
- Q Didn't he testify that he never settled a place here until in '66? A No, sir, we settle a place in '65 and then went back to Kansas and got our families and come back here in the fall of '66.
- Q Who all come down with you that time? A Nelse Murrell, Steve and Tobe all come down together.
- Q Steve who? A Pooney.
- Q You know Steve testified here yesterday don't you? A Yes, sir.
- Q You know that he testified that he did not come here until a year after the treaty was made don't you? A No, sir, I don't.
- Q You are certain that you come in '65? A Yes, sir.
- Q And you state that you come down after you heard about the treaty being made? A No, sir, I said that they was talking about it.
- Q When did you come down here with reference to the treaty, before or after it was made? A In '65.
- Q Was it before or after the treaty was made? A I don't know only that I heard them talking it was made; I come the first time in '65 and put up my house and then went back to Kansas and come down with my family in the fall of '66.
- Q If Nelson Murrell was in Kansas in '67 you was not up there with him then? A No, sir, I never was with him.
- Q How far apart did you and Nelson Murrell locate on Verdigris river? A Yes I staid on the east side of Snow Creek and he on the other side, two mile apart.
- Q You would know if he resides there continuously all the time wouldn't you? A That is all the time I seen him.
- Q You didn't see him regularly from the time you first located there until the present time? A No, sir.

- Q You don't know where he went if he left there at all?
A No, sir.
- Q You don't remember days or dates? A No, sir, I is not educated like you.
- Q Don't remember years do you? A No, sir.
- Q Did you continue to reside in the Cherokee Nation from that time until the present? A Yes, sir.
- Q How did it happen that you didn't get on the 1880 roll? A I tell you that I was told that they never had that there court for us nigger as I folks calls us.
- Q There were the census taken in 1880, didn't they take your names?
A Yes, sir, there was them census takers Dick Duck and John Hicks but they was Cherokees.
- Q You went before the Bob Daniels Court and asked to be admitted there as a Cherokee Freedman didn't you? A I don't know what Court.
- Q Did you go to Tahlequah and apply to some court that was sitting there as a Court to enroll Freedmen? A I was there to see this here John Chamberw I believe his name was.
- Q Did you apply to any Court there? A To John Chambers, and they said that they didn't set that court for us folks.
- Q That was John Chambers? A Yes, sir.
- Q Was was your attorney that time? A I didn't have one.
- Q William P. Boudinot didn't represent you at that time?
A I don't know him.
- Q You would know him if you saw him wouldnt you? A No, sir.
- Q You really don't know when you did return here do you? A Yes, sir.
- Q But that is all that you do remember isn't it? A Yes, sir, I remember that.
- Q You don't remember when you voted for Joe LeHay? A No, sir, I don't know the year.
- Q Was it the time you voted for him when he issued those permits to you? A In June or August.
- By Mr. Mellette: Who did you see at Tahlequah about your citizenship? A John Chambers.
- Q And did you talk with him about your case? A Yes, sir, I went to see him but didn't see him, he was not there just then.
- Q Did you go before the Court and make an application? A No, sir, I didn't I heard that it didn't sit for the negroes; they says it was sitting for the Cherokees by blood and so there was not any use of going there.
- By Davenport: When was that? A I don't know what time it was; the time the court was going on.
- Q You don't remember the year? A No, sir.
- Q But you remember '66? A I said that over so much that I have that pat.
- Q You have been talking of that have you? A Why yes sir we has talked as to when we all come back.
- Q Who? A Me and Nelse Murrell and the Committee.
- Q You and Nelse Murrell and the Committee have been getting up evidence about '66 have you? A Yes, sir.
- Q You have been trained so that you know all right have you?
A Yes, sir.
- Q You have? A Yes, sir.
- Q Are you trained so that you don't remember anything or any year except '66? A No, sir.
- Mellette: When you came down here in '66 did you know at what time you had to return--had to come back in order to be admitted as a witness? A We had to get here in '66.
- Q Did you hear that before you came back from Kansas? A Yes, sir.
- Q How did you hear it? A Letter come up to Nelse Murrell from someone and he had Oscar Hale read it.
- Q And that said that you had to be back in '66? A Yes, sir.

Q And that is the reason that you came back here in '66 is it?

A Yes, sir.

Q Was it also talked about among the people up there that you had to be back here in '66? A Yes, sir.

Q And you have remained here ever since have you? A Yes, sir.

By Davenport: You learned of that letter in '65 did you?

A I don't know.

Q You received it before you and Nelse Murrell came down didn't you--before you all came down and made that house in '65? A I don't know it was '65 or what, but we got the letter.

Q Well was it before or after you came down the first time that you got that letter? A I don't know.

Q Don't you know if you got it before you came down and made that house? (No response.)

By The Commission:

Q How did you happen to go to Tahlequah to apply for yourself before that Cherokee Court? A We heard that they had set a Court and went down to see about it and when we got there and met with certain persons they told us that it was not setting for us negroes.

Q Had you been worried as to your right as a Cherokee Freedman before that? A No, sir.

Q How did it happen then that you went there to go before that Court at all if your rights had not been in question--if they had been no question as to your citizenship? A We just heard about they having this Court down there, and we was worried some and went there.

Q In what way were you worried some? A They had said that they would not put us on the roll if we didn't go down there--is what we heard.

Q When you came back to the Cherokee Nation from Kansas did your wife Sarah come with you? A No, sir, in '66 in the fall.

Q So you coming and going has been the same as hers and hers has been the same as yours? A Yes, sir.

Q Your daughter Eliza, was she living when you came back from Kansas? A Yes, sir, brought her with me.

Q And your daughter Ida? A She was born after we got back.

Q Did Eliza live all the time in the Cherokee Nation until she died from the time she came from Kansas? A Yes, sir.

Q Has Ida lived all the time in the Cherokee Nation? A Yes, sir.

ESAU FOX called and sworn as a witness, testified as follows: (for the applicant.)

By Commission: Q What is your name? A Esau Fox.

Q How old are you? A 74.

Q What is your post office? A Coffeyville.

By Mellette: Where do you live? A In Cooweescoowee district.

Q How long have you lived there? A I have lived there ever since the fall of '66.

Q Do you know the applicant Joe Ross? A Yes, sir.

Q Do you know when he returned to the Cherokee Nation after the war? A Yes, sir.

Q When? A In the fall of '66.

Q How do you know it? A I came with him.

Q You came together did you? A Yes, sir.

Q Where did you part? A On Verdigris river.

Q Where did you come from? A Kansas.

Q Where from in Kansas? A Fort Scott.

Q Was that your first trip to the Cherokee Nation after the war? A No, sir, not my first trip, I made my first trip, it was in the winter of '66.

Q What did you come for that first time? A To make a home.

Q Had you received any notice there in Kansas as to when you had to return? A Yes, sir.

Q Who did that notice come? A Heard the people talk--they told us that the treaty was made and that the people of the Cherokee

Nation that had left there, that had lived in the Cherokee Nation, was to return, should return back in that year and get their homes.

Q Was that the general talk up there? A Yes, sir.

Q How far were you from the line of the Cherokee Nation?

A I don't know.

Q About how far were you from the Cherokee Nation? A I don't know, I suppose I was stopping about 16 miles north of Fort Scott at a place called Mapleton.

Q Were there a good many Cherokee negroes there then?

A Not many.

By Davenport: Did you live in the same neighborhood that Nelse Murrell lived? A No, sir.

Q How far did you live from you up there? A 12 or 15 miles.

Q Did you know a man by the name of Rector who was Sheriff of Bourbon County there? A No, sir.

Q Did you know Mr. & Mrs. Brumby? A No, sir.

Q To refresh your memory I will state that his wife was arrested at one time and put in the guard house for being a southern sympathizer? A No, sir, I never heard of them.

Q When you come down in '66 with Joe Ross and Nelse Murrell, what did you do? A First thing I did was to prepare a house.

Q What did Nelse Murrell do? A He did the same thing, that is they went to living in their houses.

Q When you came down in '66 did Nelse Murrell and Joe Vann have houses built? A Yes, sir, both had, they came before.

Q You didn't come when they did then? A No, sir.

Q How long did they come before you did? A They came first and built their houses and when they come the second time I come.

Q Did you come the first time you come by yourself did you? A

A Yes, sir.

Q What were you doing here in '65, when you first come?

A Went to Fort Gibson.

Q What point in the Cherokee Nation did you first reach?

A The Neosho river, and went back.

Q Then you went back to Kansas and didn't go on to Fort Gibson?

A No, sir.

Q Then you came back again the next year, in '66? A Yes, sir.

Q Have you been in the Cherokee Nation continuously ever since '66?

A Yes, sir.

Q You are not on the roll of 1880? A No, sir.

Q Who was living there in that country then? A Nobody wasn't; and seed a few Osages there.

Q What was your nearest town? A There was none there.

Q Where did you get your bread stuff? A Brought it with us.

Q Where did you go to market? A Didn't have any.

Q What did you do when you got there? A Went to work.

Q And you say that you brought enough stuff with you to do you all until you broke out a farm? A Yes, sir, each one brought enough in his wagon for his own family.

Q Where did you get it? A Fort Scott.

Q What did you bring with you when you came? A A span of ponys.

Q What did Nelson Murrell have, a team? A Some ponys.

Q How many? A Three or four I think.

Q What did Joe Vann have? A A team.

Q And each of you had a family? A I didn't.

Q But Joe and Nelse had? A Yes, sir.

Q And you brought enough provisions in these three wagons to last these three families all that winter and the next year until you could raise a crop? A Each of us had his provisions in his wagon.

Q Who did you live with in Fort Scott? A Just worked first one man and then another.

Q Don't you remember any of them? A Jim Britton is the man that I was working for in the main.

Q You can remember '66 all right? A I can remember it because I heard about it then as the time we was to come back.

- Q Had you heard of the treaty when you first come back? A No sir.
- Q Had you heard of it in '66? A Yes, sir.
- Q Is that what made you settle here then? A Yes, sir.
- Q Who did you say you belonged to before the war? A Mrs. DeLano.
- Q She lived near Tahlequah? A Yes, sir.
- Q Where the Colored High School is now? A Around there some where not exactly there, I don't just know what part of the country it was.
- Q When you come back did you go down to Tahlequah to get on the roll? A No, sir.
- Q You never went back to the old place? A No, sir.
- Q Why not? A Because I didn't care to I was settled up there where I was and all the old olks that I knowed up there was there.
- Q Didn't go back to see your old Mistress Mrs. DeLano? A No, sir, she was dead.
- Q She had a family didn't she? A No, sir, not as I know of.
- Q Who was she before she was married? A Melton.
- Q There are some of them alive yet are there not? A I don't know if there is any of them alive yet or not.
- Q Some live in Delaware district don't they? A I don't know.
- By the Commission: Did you belong to the army during the war?
- A Yes, sir.
- Q What Regiment? A 7th and 9th U. S. Infantry.
- Q Colored Infantry? A Yes, sir.
- Q When you went to Kansas did you belong to the Army? A Yes, sir.
- Q Where did you go from to Kansas? A Pine Bluff, Arkansas.
- Q Went from there to Kansas did you? A Yes, sir.
- Q Where did you go to in Kansas? A For Leavenworth.
- Q What time was that? A After the surrender, in '65; I think it was in the latter part of September.
- Q Then your regi ent was ordered to Leavenworth? A Yes, sir.
- Q Were you disbanded there? A Yes, sir.
- Q How long did you stay archnh Leavenworth after that?
- A A wekk of ten days.
- Q Where did you go then? A To Mapleton in Bourbon county, Kansas, on the Osage.
- Q Near Fort scott? A 15 miles from there.
- Q How long did you stay there? A A couple of months.
- Q You didn't stay there then until you came back down here in '66?
- A No, sir, I come through in October and come on trthrough in60 the Territory and got as far as the Neosho river and was going on the Fort Gibson and then I turned and went back after I had got as far as the Neosho river.
- Q Did you have a family then? A Didn't have any.
- Mellette: Did you say Caesar Hall come with you? A Yes, sir
- Q Where is he now? A On the Virdigris river.
- By Davenport: When did you say anything about Caesar Hall coming with you? A I said that he did come with me, I am telling you now.
- Q You never said that he came with you before did you? A I don't know as I did.
- Q Didn't you tell us that Nelse Murrell and Joe Vann was the ones that came with you? A Yes, sir.
- Q Never mentioned Causar Hall at all did you? A No, sir, there is a good many that came with me that I didn't mention.

By Com'r Breckinridge:--The applicant applies for himself and two grandchildren; the applicant was a slave in the Cherokee Nation at the breaking out of the Civil war, and during yhe war he went to the State of Kansas; he is identified on the Wallace and Kern-Clifton rolls, but not on the roll of 1880 or the roll of 1896; it appears that at the time of the holding of the Chamber's Court, the applicant, with others, deemed it necessary to apply to the Court for the

recognition of their rights as Cherokee Freedmen; the date of the existence of that Court is not definitely established in this testimony; that fact will doubtless have to be established from the official record; it was presumably in the year of 1870 or 1871. He states that he was informed that that Court was only sitting for the consideration of cases wherein the claimant was a Cherokee by blood, or rather, to hear claims to citizenship by blood; and that upon his arrival at Tahlequah he ascertained that fact and that he then did not formally apply to the Court but returned home. The period of the applicant's return to the Cherokee Nation from Kansas after the war is not sufficiently definite, from the present state of the testimony to permit of a satisfactory summary just at this time; upon this point the applicant's right and status at present seems to turn and he will be listed for enrollment at this time as a Cherokee Freedman on a doubtful card for the further consideration of his case as indicated and the final decision of the Commission will be made known to him at his post office address. As for his two grandchildren they are children respectively of two deceased daughters of the applicant. The oldest of these children, Irving Looney, is said to be thirteen years of age, is identified on the Kern-Clifton roll only; his father is alive, is said to be a Cherokee Freedman but is not identified upon any roll and it does not appear that this child acquires any status at this time through its father. The mother of this child was the applicant's daughter Eliza; it ~~was~~ is shown that she died some twelve years ago. This family was not admitted upon the roll of 1880, and as this woman died before the Wallace roll was made she does not appear upon any roll. The mother of this woman Eliza deceased last February, is identified upon the Kern Clifton and Wallace rolls; she is shown to have been a slave of a Cherokee citizen at the breaking out of the Civil War, and to have been lawfully married to the applicant, and so far as returning to the Cherokee Nation from Kansas is concerned, to be of the same status of the applicant and entitled to all the rights that may be established for him. Therefore, this child Irving Looney will be entitled to the rights that may be finally established for the applicant himself, and he will now be listed for enrollment as a Cherokee Freedman on a doubtful card to await the final settlement of the rights of his grandfather and when the final decision of the Commission is arrived at, will be notified by mail through his grandfather. As for the second grandchild, John Shad, he is a child of the applicant's deceased daughter Ida, by her husband, a state man; therefore this child derives its right entirely through its mother and as indicated, its final status will be the same as may be established for the applicant himself. This child's mother is identified on the Wallace roll, and the child, John Shad, is identified on the Kern Clifton roll, and he will be listed for enrollment as a Cherokee Freedman on a doubtful card and the final decision of the Commission will be made known to its grandfather at his post office address.

The Wallace roll of the Cherokee Nation examined and the name of the mother of Irving Looney identified thereon as follows: Page 137, No. 2858, Eliza Ross, Cooweescoowee District.

(Judgment continued.)

It appears from a further examination of the roll that Eliza Ross, the mother of the child Irving Looney, and now deceased, is identified on the Wallace roll, it apparently

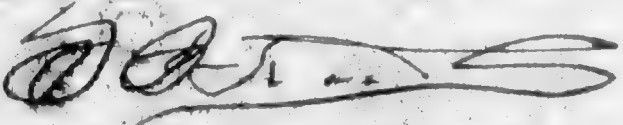
being an error in the evidence that she has been dead as much as twelve years. The child's status is not affected, however, by this feature, owing to the status, as stated, of the father and mother of the woman Elisa, and of the fact that Elisa came back with that father and mother from the State of Kansas and lived until her death in the Cherokee Nation. And as for the woman Ida, the mother of John Shad, she was born in the Cherokee nation after the return of her parents from Kansas and lived in the Cherokee Nation until her death.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.
(Signed) Chas. von Weise.

Subscribed and sworn to before me this the 11th day of June, 1901, at Chelsea, I. T.
(Signed) T. B. Needles,
Commissioner.

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J. O. Rosson, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript of the testimony and proceedings in the above case.
J. O. Rosson

Subscribed and sworn to before me this 26th of August, 1901.

Commissioner.

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
NOWATA, I.T., JUNE 21st, 1901.

In the matter of the application of David Ross for the enrollment of himself and seven children as Cherokee Freedmen; said Ross being sworn and examined by Commissioner T. B. Needles, testified as follows: Also applies for enrollment of his wife as an inter-married Cherokee Freedman:

- Q What is your name? A David Ross.
Q How old are you? A About 41.
Q What is your post office address? A Coffeyville.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Just me and my children.
Q How many children have you got? A Seven.
Q Are you married? A Yes sir.
Q What is your wife's name? A Mary Ross.
Q Do you apply to have her enrolled? A No, she is a state woman.
Q Are you living with her? A Yes sir.
Q Do you apply to have her enrolled as an intermarried citizen?
A Yes sir.
Q How old is she? A About 31 I guess.
Q Please give me the names of your children that are unmarried and living at home? A Joseph.
Q How old is Joseph? A About 15.
Q The next one? A Harry.
Q How old is Harry? A About 13; Herbert, 11; Vernie, eight; Nelson, six; Alva, three; John Henry, about 15 months.
Q Is your name on the roll of 1880? A Yes sir. No, sir.
Q Is your name on any of the rolls of the Creek Nation?
A On the Wallace and Clifton roll.
Q What is your father's name? A Joe Ross.
Q Is he living? A Yes sir.
Q What is your mother's name? A Sarah Ross.
Q Is she living? A No, sir dead.
Q Has your father been enrolled? A Yes sir.
Q How many of these children did you draw for? A Four.

The 1880 Authenticated Roll and 1896 Census Roll of Freedmen of the Cherokee Nation examined and names of applicant not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:

- Page 145, #3594, Harry Ross, Cooweescoowee District.
Page 145, #3595, Herbert Ross, Cooweescoowee District.
Page 135, #145, #3596, Vernie Ross, Cooweescoowee District.
Page 145, #3601, David Ross, Cooweescoowee District.
Page 145, #3593, Joe Ross, Cooweescoowee District.

- Q Now, when were you married to Mary Ross? A Married about 16 years ago.
Q Is she your first wife? A Yes sir.
Q Are you her first husband? A Yes sir.
Q Are you and she living together now? A Yes sir.
Q Are these children all living? A Yes sir.
Q Living with you? A Yes sir.
Q She was a state woman? A Yes sir.
Q What proof have you got of your marriage? A Sam Webber married us.
Q Is Sam Webber here? A Yes sir.

SAM WEBBER, being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Sam Webber.
Q Are you a minister of the gospel? A Yes sir.
Q Do you know David Ross? A Yes sir.
Q Do you know his wife, Mary? A Yes sir.
Q Did you marry them? A Yes sir.
Q About how long ago do you recollect? A It has been about 15 or 16 years, as near as I could remember.
Q You married them according to law? A Yes sir.

BY MR. W. W. HASTINGS, Cherokee Representative:

- Q Either of them ever married before? A Not as I ever knowed of.

DAVID ROSS, the applicant, recalled: BY COM'R NEEDLES:

- Q Now, what proof have you got as to your citizenship, Mr. Ross, your name is not on the roll of 1880? A It must be on there somewheres.
Q You say it is on the roll of 1880? A No sir.
Q You claim your citizenship through your father? A Yes sir.
Q Same testimony that would substantiate your father's citizenship would yours? A Yes sir.
Q Where were you born? A Born in the Cherokee Nation.
Q Lived there all your life? A Yes sir, lived there all my life.
Q You were born a slave? A Yes sir, I was small, don't know anything about it.
Q Where were you when you can first recollect? A Here in the Nation.
Q Lived here ever since? A Yes sir.
Q Whom did your father belong to, do you know? A Old Chief Ross.
Q Old John Chief Ross? A Yes sir.
Q You have no recollection of coming back with your father? A No sir.
Q Have you got anybody here that knows? A Nelson Murrell knows.

NELSON MURRELL, being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Nelson Murrell.
Q What is your age, Mr. Murrell? A 77.
Q You contend that you are a Cherokee Freedman? A Yes sir.
Q Do you know David Ross, the applicant here? A Yes sir.
Q Did Joseph Ross go out of the Cherokee Nation during the war?
A Yes sir.
Q Do you know when he returned? A Yes sir.
Q When? A In '68.
Q Do you know whether he brought this boy David with him or not?
A I brought him.
Q You brought David yourself? A Yes sir.
Q And he was a son of this Joe? A Yes sir, stepson of mine.
Q You married his mother? A Married his grandmother.
Q Well, did Joseph Ross, his father, return at that time? A Yes sir.
Q Did he come at the same time you did and this boy? A Yes sir.

COM'R NEEDLES: David Ross applies for the enrollment of himself and seven children, to-wit: Joseph, Henry, Herbert, Vernie, Harry, Nelson, Alva and John K. His name cannot be found upon the authenticated roll of 1880 or the census roll of 1895. He is duly identified upon the Kern-Clifton roll. He avers that he is the son of Joseph and Sarah Ross and claims his citizenship through his father, Joseph who

is listed for enrollment by this Commission on Doubtful card #542, and the testimony in said case will be made part of the record in the case at bar and a copy thereof filed herewith. He avers and makes proof as to the marriage to his wife, Mary Ross, a non-citizen, by whom he has the children for whom he applies. Satisfactory proof is made as to the residence, consequently the said David Ross and his seven children as enumerated herein, will be listed for enrollment as Cherokee Freedmen upon a doubtful card. It will be necessary for him to make a satisfactory proof as to the birth of his three younger children, Nelson, Alva and John H., their names not appearing upon any of the rolls, his four eldest children appear upon the Kern-Clifton roll. Now, David Ross and his seven children as enumerated herein will be listed for enrollment as Cherokee Freedmen upon a doubtful card. His wife, Mary Ross, will be listed for enrollment as a Cherokee Freedman by intermarriage upon a doubtful card. He will be duly notified by mail of the decision of the Commission when a decision is arrived at.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. ROSSON.

Subscribed and sworn to before me this 8th day of July, 1901.

C. R. BRECKINRIDGE,
Commissioner.

Josie Davies, stenographer to the Commission to the Five Civilized Tribes, hereby certifies, that the above and foregoing is a full, true and correct copy of the original testimony in the case of David Ross, et al., taken at Nowata, Indian Territory on the 21st day of June, 1901, now on file with the Commission.

Josie Davies

Subscribed and sworn to before me this December 9, 1904.

J. B. Campbell
Notary Public.

H. 10779

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CHAIRMAN

SECRET

AVTFO

AVTFO

Department of the Interior,
Bureau of Indian Affairs,
Washington, D. C., October 13, 1901.

STATEMENT in the matter of the application of Daniel
Thompson, et al., for the land of 4600.

Applicant:

Daniel Thompson, et al., as above.

D. F. Thompson, being first duly sworn in and sworn, testifies as follows on the part of the applicant:

- Q What is your name? A D. F. Thompson.
- Q Where do you live? A In the Cherokee Nation, Virginia.
- Q What is your age? A 40.
- Q How long have you lived in the Cherokee Nation? A All my life.
- Q Do you know the applicant in this case, Daniel Thompson? A Yes sir.
- Q Did you know him before the war? A Yes sir.
- Q Do you know where he went during the war? A I think he went north to Kansas.
- Q Where did your family go during the war? A To Red Bank, Cherokee Nation, Chickasaw Nation.
- Q When did you return to this country? A In the fall of '68 in October.
- Q Did this applicant go with your family? A He never was with us during the war.
- Q When your family returned to the Cherokee Nation with you, how did you locate? A On Grand River, 12 or 15 miles east of here.
- Q How far from where they had originally lived? A Made also.
- Q Was the applicant there when you returned? A No sir.
- Q When did you first see the applicant after the war? A Here in Virginia, I don't recall exactly the time.
- Q With reference to the time the railroad was there when was it? A The lady was here I think.
- Q About what year was that? A As well as I remember it was in '71 or '72.
- Q Had the applicant prior to that time ever lived on your place on Grand River? A No sir.
- Q Had you any conversation with him in regard to where he lived or when he came back? A No sir.
- Q Where was he living at the time? A On Big Creek, 15 or 16 miles.
- Q Did he say that that he had been living on Grand River at the old place? A No sir.
- Q You had always lived on the old place since your family left? A Yes sir.
- Q Some place you lived on prior to the breaking out of the war? A Yes sir.
- Q Had the applicant been there after the war to your house? A Not that I know of.
- Q You saw him here in Virginia for the first time after the war? A Yes sir.
- Q Did he come to your house at that time? A He came to my father's house and stayed a day or two with my father.

- Q What was your father's name? A Daniel Thompson.
- Q In the Cherokee Nation? A Yes sir.
- Q By whom? A Yes sir.
- Q Respected father in the Cherokee Nation? A Yes sir.
- Q Did he own Daniel Thompson before the war? A Yes sir.
- Q Was Daniel Thompson with your father when the war commenced? A Yes sir.
- Q What time did you get back home after the war? A October, '68.
- Q You went to your place? A Our old place.
- Q How far from your place in 1868? A 12 or 15 miles.
- Q How old were you then? A 20 years old.

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Q Just a boy? A Yes sir.

Q From the time that you came back to your old place, for the following two years, where were you? A I was there—I went to school one or two sessions at Pog Ridge, Arkansas.

Q Then you don't know if this applicant was there during that time or not, while you were away at school? A Not while I was away.

Q All you know is that the first time you saw him was in '71? A Yes sir.

Q You don't know how long he has then been in the Cherokee Nation? A No sir.

Q You don't know where he was during the war? A No sir.

(By Davenport)

Q When were you at school? A In '67, in the fall.

Q You was at home then from '66 to the fall of '67? A Yes sir.

Q You never saw the applicant there then? A No sir.

Q Never heard of him being there did you?

BY MR. SMITH: I object to him saying what he might have heard.

(By Smith of witness)

Q All you know is that you never saw this applicant until in '71 or '72? A Yes sir.

Q Before that time you don't know where he was? A No sir.

DAVID SPINGER, being first duly sworn by Court T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A David Spinger.

Q Where do you live? A On Big Creek, Cherokee Nation.

Q How old are you? A 60.

Q How long have you lived in the neighborhood of Big Creek in the Cherokee Nation? A About 26 years.

Q Do you know the applicant here, Daniel Thompson? A Yes sir.

Q How long have you known him? A Since '72.

Q Where did you first see him? A I saw him in the Territory on the east prong of Big Creek.

Q What was he doing when you saw him? A Just commenced making a farm there.

Q Did you have a conversation with him then? A Yes sir.

Q What was that conversation? A He told me that he used to live here and was owned here, and that he went to Kansas, and thought he would come back because he was owned here—thought he would come back home as he called it.

Q Did he have a family with him then? A Yes sir.

Q What year was that? A I think in '72.

Q What improvements had he made then? A Nothing, he was just in a wagon there.

Q Did he say when he had gone to Kansas? A No, I don't know anything about that.

Q Was anything else said about his having been in the Cherokee Nation before that? A I don't think there was.

Q How many children did he have there? A Two.

Q What were their names? A Sandy and Handy.

Q Were they both with him? A Yes sir.

Q Did he afterwards make a place there? A Yes sir.

Q Where has he been living since? A Right there all the time.

Q What year was this you say he came there? A '72.

(By Smith)

Q You know that he has been living there continuously ever since '72 in the Cherokee Nation? A Yes sir.

Q How long had you been there in '72? A I came there in '71.

Q Where from? A Peoria, Illinois.

Q Had you ever been in the Cherokee Nation prior to '72? A No sir.

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Q You don't know where this man Daniel Thompson was in 1870? A No I dont know that.

Q You dont know where he was in '69? A No sir.

Q Or in '68? A No sir.

Q Or in '67? A No sir.

Q Or in '66? A No sir.

Q Or in '65? A No sir.

Q You dont know when he first returned to the Cherokee Nation after the war? A He told me then that he had returned then from Kansas.

Q You don't know whether he had been here before that or not? No sir he said he was owned here before the war.

Q You dont know when he first came here after the war? A No sir, only that time.

Q He might have been here before that and you not know it? A I wasn't here before the time I state and can't tell nothing about except when I was here.

(By Davenport)

Q Was he living there when you came there in '71? A No sir.

Q He said he came from Kansas when you saw him there? A Yes sir, and that he had educated his children in Kansas and was moving back home.

WILLIAM NOBLE, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A William Noble.

Q Where do you live? A On Big creek, Indian Territory.

Q Cherokee Nation? A Yes sir.

Q How long have you lived in the Cherokee Nation, Mr. Noble? A I think I came to the Cherokee Nation in the summer of '64.

Q How long have you lived on Big Creek? A Ever since the fall of '64 I think I went there then or in the spring of '65.

Q Do you know the applicant here, Daniel Thompson? A Yes sir.

Q How long have you known him? A Good many years, I cant say exactly how long, I think he moved in there on Big creek right close to me, I think he came from Kansas there in the fall of '72, and he has lived there ever since.

Q Did he settle a place there when he came down? A Yes sir.

Q How far from you? A Two and a half miles.

Q Do you remember seeing him when he came down there? A He was building when I first saw him, he had moved in there and commenced putting up a house.

Q Did he have his family with him? A Yes sir.

Q Children? A Wife and three children.

Q Did you have any conversation with him? A Yes sir, he told me he just moved in from Kansas.

Q Did he tell you that he was a slave here before the war? A Yes sir, not right then but after that he told me that he had been a slave of Johnson Thompson and that he was going to see him.

(By Smith)

Q When did you first come to the Cherokee Nation after the war? A In '64.

Q Were you in the army? A Yes sir.

Q When were you discharged from the army? A I was discharged, I think it was in '62.

Q In what? A '62.

Q Were you discharged before the war closed? A No sir.

Q But you think it was in '62 that you were discharged? A I believe it was.

Q In '61 maybe? A Somewhere along there.

Q Somewhere in '61 or '2? A Yes sir.

Q You testified Saturday last in the Josh Vann case didn't you? A Yes sir.

Q Didn't you say then that you were discharged in the year '65 from

the army? A I dont think I did, I think I said I didn't know exactly.

Q Didn't you in that case come back and make a correction in your testimony as to the length of time that you had been here since you came after you were discharged from the army? A Yes sir.

Q When you came back to make that correction, didn't you say that you were discharged in '65 and that you were discharged after the war closed? A I think I was discharged in '68.

Q I am not asking you when you were discharged, I am asking you what you said then? A I don't think I did.

Q When did the war close, what year? A I think it was in '61, wasn't it?

Q When did it commence? A You are just a little ahead of me when it commenced, I dont recollect it.

Q You were not discharged from the army until the war was over were you? A No sir, I was discharged twice, the last time the war was over.

Q What did they discharged you for the first time? A Three years service.

Q Then you went back the second time? A Yes sir.

Q How long did you stay then? A Two years .

Q How long did that war last? A Five years, wasn't it?

Q How long was it after you were discharged the last time before you come to the Cherokee Nation? A I think it was about three years, two and a half or three years.

Q What year did you get here? A In the spring of '66.

Q You were discharged the last time after the war had closed and you didn't come to the Cherokee Nation for two and a half or three years after you were discharged from the army, is that right? A Yes sir.

Q And you are certain you were discharged from the army after the war was over? A Yes sir.

Q And you got here in '66? A Yes sir.

Q Now, how did you do that? I went from Louisville, Kentucky where I was discharged, to Iowa, and from Iowa to Kansas and from Kansas here.

Q You don't really know anything about this applicant do you? A Only from my papers, it shows that I had some trading with him in '72.

Q You dont know how long he had been here before that? A No sir.

Q You dont know when he came here? A No sir, except when he came to Big Creek.

(By Davenport)

Q You dont know when the war began? A No sir.

Q Nor when it closed? A No sir.

Q Had Dave Stinger come to your place before Daniel Thompson come on Big Creek? A Yes sir.

(By Smith)

Q Where did you go after you were discharged? A Iowa.

Q Where did you go then? A Kansas.

Q Where did you stop in Kansas? A Neosho Falls River, between the mouth of Cherry and Fly Creeks on a creek called Short creek.

Q Did you have any trouble up at Chetopa? A No sir.

Q Were you never arrested in Kansas? A No sir.

Q Do you remember a man named Sage in Chetopa? I dont remember, I am not acquainted with him.

Q Didn't you have any trouble with him and get arrested? A No sir.

Q Didn't he have you arrested? A I dont think so.

Q Don't you know? A I know I wasn't arrested there.

Q Have you ever been arrested at all? A Yes sir.

Q Where? A In the Cherokee Nation.

Q What for? A Cattle stealing.

(By Davenport)

Q What became of that case? A It was taken to Fort Smith and went before the Grand Jury and they didn't find any bill against me.

(By Smith)

Q Are you a citizen of the Cherokee Nation? A Yes sir.

This testimony will be filed with the original application of Daniel Thompson, Cherokee Freedmen, and also in U. S. D. cases D-883 and D-884 and their successors.

Chas. von Weise, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cases and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas. von Weise

Subscribed and sworn to before me this 17th of October, 1901.



Commissioner.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Winita, I. T. October, 28th 1901.

In the matter of the application of Abraham Ward et al., G. F. D. #607
SUPPLEMENTAL TESTIMONY

Appearances:

W. W. Hastings for the Cherokee Nation.
Mellette A Smith for the applicants.

By Mr. Hastings: I desire to file a certificate from J. A. Gady, County Clerk of Linn County, Kansas, showing that from the Assessment rolls of Mound City Township in Linn County Kansas, for the year 1867, there appears the following: " Peter Ward, one female dog."

By Mr. Smith: The applicants object to the introduction in evidence of the above mentioned instrument, because it appears from the face that the same is not a certified copy of any record, but a statement of one J. A. Gady, certified to by him, the same not being within the rules of law in this jurisdiction in regard to the introduction of certified copies of records, and not being the best evidence, and for the further reason that the person named therein is in no way identified with the applicant in this case.

By Commissioner C. R. Breakinridge: The document in question will be filed in this case, the objection of counsel for the applicant will be noted and the matter will receive the further consideration of the Commission.

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(COPY)
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State of Kansas: ss.
County of Linn :

I, J. A. Gady County Clerk within and for the above named County and State, do hereby certify that I have examined the Assessment rolls of Mound City Township in Linn County, Kansas, for the year 1867 and find that Peter Ward is listed on said rolls as follows: " Peter Ward, one female dog." said entry is on page 75 of said rolls. Said Assessment rolls were filed in the office of said County Clerk on July 1, 1867, and said assessment and list of property owners was taken during the month of March, 1867, and based upon residence of said County for March 1, 1867, by said assessor.

Witness my hand and official seal at Mound City, Kansas, this 28th day of October, A. D. 1901.

(Signed) J. A. Gady
County Clerk of Linn County, Kansas.

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By Commissioner Breakinridge: In the matter of the foregoing alleged certificate of the records of Linn County, Kansas, it is directed that copies of the alleged certificate and the objection to their filing of Counsel for the applicants, be filed in the cases to which this case refers and all subreferences thereto as found upon the records of this Commission.

=====
Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the above proceedings, and that the above copy of the certificate filed in this connection is a true and correct copy of the original, and further that the above is a full and correct transcript of his stenographic notes in said proceedings.

Subscribed and sworn to before me this 9th of November, 1901.


Commissioner.

To be filed with C. F. D-799.

R.

C. F. D 548.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 3, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Nelson Murrell for the enrollment of himself as a citizen of the Cherokee Nation.

Appearances:

Mellette & Smith, attorneys for applicant.

W. W. Hastings, attorney for the Cherokee Nation.

CLIFTON T. RUCKER, being first duly sworn, and being examined, testified as follows:

MR. HASTINGS: What is your name? A Clifton T. Rucker.

Q What is your postoffice? A Fort Scott, Kansas.

Q What is your age? A Sixty-five.

Q How long have you been a resident of the state of Kansas?

A Forty-five years the 7th day of last October.

Q Where did you live when the war closed?

A I lived just west of Fort Scott.

Q About how far? A About five miles.

Q Live in the country? A Yes, sir, on the farm.

Q Were you married at that time? A Yes, sir, I was not when I came to Fort Scott.

Q Did you know a colored man up in that country by the name of Nelson Murrell? A Yes, sir.

Q Do you know his wife? A Yes, sir, I know his wife.

Q Do you remember her name?

A Don't know as I ever heard, don't recollect.

Q About when did you first learn to know Nelson Murrell?

A In the fall of 1866, September, I think it was.

Q How far was he living from you at that time?

A I guess he was living about a mile or a mile and half. I didn't know at that time, but I learned afterwards, that he lived about a mile east of me.

Q Did he ever do any work for you?

A Yes, sir, he worked for me digging potatoes.

Q When was that? A In the fall of 1866, September.

Q See him after that time?

A Yes, sir, in the spring of 1867 I saw him, at different times, and during the summer.

Q During the summer of what year? A 1867.

Q When was the last time you saw him up there?

A The last time I recollect was in the spring of 1868.

Q He had a wife, but you don't remember her name?

A No, sir, I don't.

Q Did you see him at different intervals along in 1867? A Yes, sir.

Q Do you know whether he worked for you any in 1867 or not?

A I don't think he did. I had moved to Warraton, a little town a mile and a half or two miles west, and a little north--

Q In 1866 or 1867? A In 1867.

Q What is when you moved?

A Yes, sir, then Nelson moved west and northwest from what we called the Bend, it goes by the name of Halls Bend. He moved up to a place known as Todd's Place. I was there in 1867.

Q About what age were you?

A I would take him to be about eight or ten years older than I was.

Q How old are you? A About 65. That would make him 75.

Q Guessing at it? A Yes, sir.

Q Do you know where he claimed to have lived before the war?
A I think he told me. I would not be positive. My impression is that he had been in the Nation, and that he was going back to the Nation.

Q Did he say anything to you about coming down?
A Yes, sir, he said if I would come down there he thought he could make it interesting. He said I would get some benefit out of it, that I could keep stock there.

Q When was that? A In the spring of 1866, if I remember.
Q Have you ever seen him down here?
A No, sir, I have not, not as I know of.

Q What was he doing up there when you saw him, in 1866 and 1867?
A Farming. I could not say what he was doing in 1866, but in 1867 he was farming on this place of Mr. Todd's.

Q Did you know Joe Ross, a colored man?
A Yes, I know him, but could not say that I remembered him until I heard his name called again. I could not say that I remembered positively, but I can describe the man he was at that time.

Q Do you know who his wife was? A Said to be Nelson's daughter. That is what she told me.
Q His own daughter? A That is what she said. She worked for my wife.

Q Do you remember when she worked for your wife?
A In 1867, and in 1868 I think. She done washing for her.

Q You don't remember his name?
A No, sir, only what I have heard. I didn't remember the name, but I was told that was his name, that some man that I know on the place his name was Joe Ross, and his wife was named Sarah. I could not say positively, but that is what I have been told. The name had slipped my memory. She claimed to be a daughter of Nelson Murrell.

Q You knew this fellow up there for the some length of time that you knew Nelson Murrell? A Yes, sir.

Q Married into his family? A Yes, sir.
Q His wife was Sarah? A Yes, sir.

MR. BELLEFLE: Your name is C. T. Tucker? A Yes, sir.

Q How old are you? A Sixty-five years.

Q Have you ever been a witness in this case before? A No, sir.

Q When were you first asked as to what you remembered about Nelson Murrell? A I think it was week before last.

Q What were you asked about?
A Asked about some colored fellows, about some other case, and I told him who I know.

Q How long has it been since you remember of seeing Nelson Murrell, how many years?
A From about 1868, that would make it about 34 years.

Q Did you ever have your attention called to the last time you seen Nelson Murrell up to a few weeks ago?
A Yes, sir, often. I talked about it.

Q What made you remember Nelson Murrell?
A The first thing, he was a good hand to work. I was speaking about digging sweet potatoes, and I had some fine ones that year, and I remembered about him digging sweet potatoes.

Q You told lots of people about Nelson Murrell digging sweet potatoes in 1868? There was no Nelson why you should remember when you last saw him, was there? A No, nothing particular.

Q He was a colored man? A Yes, sir.

Q He worked for you very little? A Very little, but I saw him at different times.

Q How much work did he do for you? A Worked several different times.

Q What year? A In 1868.

Q Several times in 1868? A Yes, sir.

- Q You are certain about that? A Yes, sir.
- Q What month? A September.
- Q You remember back 34 years and remember the month he worked?
- A Yes, sir.
- Q Can you remember everybody you saw during the month of September, 1866? A No, sir, I can't remember every fellow.
- Q Why can't you?
- A My attention was not called to it. My mind was not on it.
- Q Do you recollect every person that you had seen during the month of September, 1866? A No, sir. I can remember Nelson Murrell, because my attention happened to be called to him, being a colored fellow.
- Q Just worked for you a few days? A Yes, sir.
- Q Anybody else work for you in September, 1866? A Yes, sir.
- Q Who? A My brother-in-law, Bill James, I think that was the only one.
- Q Will you swear that you didn't have anybody else working for you that year? A To the best of my knowledge I did not.
- Q You ought to remember now. You say Nelson Murrell did work for you? A Well, I heard the fellow's name mentioned, and I remembered.
- Q Where did you live in 1866?
- A On the farm a little west of Marmaton.
- Q Where was Nelson Murrell in 1866? A In Marmaton.
- I am only giving what I was told. In Hall's Bend, west of Fort Scott. That is the name they gave it.
- Q You don't know of your own knowledge? A No, sir.
- Q You don't know whether he was in the Territory or not? A No, sir.
- Q How at the time you knew him in 1867, did you watch him all the time? A I didn't watch him.
- Q Was he absent during that year? A I could not say that.
- Q You don't know whether he was absent from that country during the year 1867 or not? A No, sir.
- Q He might have been absent? A Might.
- Q You don't claim that you watched him all the time? A No, sir.
- Q You didn't work with him in 1867? A I don't think I did.
- Q Where did you live in 1867? A Marmaton.
- Q Where did he live? A In John Todd's place.
- Q What makes you think that? A I saw his family there.
- Q When did you see them there? A In 1867.
- Q When? A Along in the spring of that year.
- Q What month? A I don't remember the month, it was after the winter was over.
- Q It must have been February? A No, later.
- Q March? A About April or the first of May.
- Q You will swear it was April or the first of May?
- A I would not swear positively.
- Q You are positive you saw him either the last of April or the first of May? A Yes, sir.
- Q You remember back 34 years of seeing that colored fellow there himself in April or the first of May, 1867? A Yes, sir.
- Q You are positive? A Yes, sir.
- Q Can't be mistaken? A Can't be.
- Q You don't know the name of his wife? A No, sir.
- Q Why can you remember about seeing them there the last of April or the first of May? A I saw Nelson in 1868.
- Q I am talking about the family? A Because his daughter washed for my wife.
- Q When? A Right along.
- Q What week did she wash for your wife during May, 1867?
- A In the first week in May, 1867, I think it was. I think she quit shortly after that.
- Q She washed the first week in May, 1867, thirty-four years ago, and that she quit shortly after that? A Yes, sir.
- Q What makes you think that?

A Because my house got burned, and she washed for us right up to that time.

Q When did your house burn? A On the 6th day of May.

Q She washed for you right up to the time the house got burned?

A Yes, sir.

Q Washed for you before that? A Yes, sir.

Q Did she wash for you in the month of April? A I think she did, my memory is not clear.

Q Who was it washed for you?

A Said to be this here Nelson's daughter, and wife of this here, well, I had forgotten his name, he claimed to be Joe Ross. I did not recollect the name of Joe Ross until my attention was called to it.

Q You have never seen Nelson Murrell since 1867?

A No, sir, not that I know of.

Q You don't know whether the Nelson Murrell that you claim to know is the Nelson Murrell that has applied here?

A I don't know that.

Q You don't know Joe Ross, and don't know whether it is the same man?

A I knew him, but it had slipped my memory.

Q You don't know whether you would know him by sight or not?

A No, sir. I have a pretty good recollection and description of the man.

Q How many times did you see Nelson Murrell during 1867 up there in Kansas.

A I could not say. Might have seen him a dozen times, may not more than three or four times. I never paid much attention to it.

Q Any reason why you should pay any attention to it?

A Nothing at all.

Q He didn't work for you in 1867?

A I think he wanted to do some cutting and sawing wood.

Q This man, come to the house in 1867? Did he ask you to saw wood?

A Yes, sir.

Q Where was that? A At Marmaton.

Q Come to your house? A Yes, sir.

Q That day? A I could not tell you that.

Q That week? A I think it was the first of May— no, sometime along in February.

Q You said the first of May? When did he come to you and ask to saw wood? A I could not tell you.

Q You said awhile ago the first of May?

A That is the last time I had any work gotten out at that place. I didn't give him any work to do sawing wood.

Q How far is that from the line of the Cherokee Nation?

A Just about sixty miles.

Q You don't know whether he came to the Cherokee Nation during that time? A I do not.

B. F. FORTNEY, being first duly sworn, and being examined, testified as follows:

MR. HASTINGS: What is your name? A B. F. Fortney.

Q Where do you live?

A I live eight miles west of Fort Scott, on the farm, in Bourbon County, Kansas.

Q What is your age? A I am sixty-seven years old, past.

Q Where were you born? A Virginia, now West Virginia.

Q Where were you during the war?

A In Illinois. Part of the time in Warsaw, and part of the time in Quincy. Two years in the army, in the regular quartermaster's service.

Q When did you go to Kansas? A November, 1867.

Q What place did you go to? A To the place I now live on, Marmaton.

Q How far from Marmaton? A Two miles out of it, on the road to the County seat.

Q Did you know a colored man up there by the name of Nelson Murrell?

A Yes, sir.

Q When did you first become acquainted with him?

A Met him there in November, 1867.

Q Did he have a family, Nelson Murrell? A Yes, sir.

Q Wife? A Yes, sir.

Q Do you remember her name? A We called her Aunt Liza.

Q How long did you know Nelson Murrell there?

A All of one year, and part of another.

Q Did you know him the next year, 1868? A I knew him in 1868.

Q How far did he live from you?

A About eighty rods, or ninety rods, a quarter of a mile we called it.

Q Did he ever do any work for you? A Yes, sir.

Q What kind of work? A General farm work, harvesting and helping about the farm.

Q Did you run a reaper in 1868, the next year after you went there?

A Yes, sir.

Q Did you do any work for Nelson Murrell? A Yes, sir.

Q What? A Cutting his grain, hay, grass, or rather cutting his grass to make hay. I harvested his wheat for him, and some oats.

Q During that time did you have occasion to see him frequently, he and his family?

A Every day. Just like living across the block from one another. Could see some of the family every day.

Q Ever miss him from there any considerable length of time during that time?

A I don't remember that my attention was called to his absence.

Q Did you ever see Nelson Murrell in the Cherokee Nation? A Yes.

Q Where? A I think some nine miles from Coffeyville out on the Verdigris River.

Q Is that the same Nelson Murrell that you knew in Kansas?

A It was, yes, sir.

Q Did you know a colored man by the name of Joe Ross? A Yes, sir.

Q Was he married?

A He was so reported. He lived with a woman he called his wife.

Q Do you know her name?

A Believe it was Sarah, would not state positively.

Q Do you know what relation, if any, she bore to this other family?

A It occurs to me that she was a step-daughter of Nelson Murrell's. I was so informed by the family.

Q Was Joe Ross living up there when you came to Kansas? A Yes, sir.

Q How long did he continue to live there?

A Not so long as Murrell.

Q He had gone before Murrell? A Yes, sir, I don't know where he went.

Q About how long after you came there before he went away?

A I don't know whether he went in the spring, summer or fall of 1868, but he absented himself anyway, during that year. I think it was during the year 1868. It might have been later, might have been in 1869. I think it was sometime during 1868. I have nothing to call my attention to it, as he did not work for me any that I now remember of.

Q Nelson Murrell did work for you?

A Yes, sir, and I worked for him.

Q This is the same Nelson Murrell that you saw down near Coffeyville in the Cherokee Nation? A The same man.

Q You never was around Marmaton before the fall of 1867?

A Never in a hundred miles. I was in Kansas City, but never in that part of Kansas.

Q You know Mr. C. T. Rucker? A Yes, sir.

Q Did you know him in Kansas?

A He was living in Kansas, and I being a single man I boarded with him part of the winter of 1867-68.

MR. MELLETTE: How far is it from where you used to know Nelson Murrell, in 1867, to where you saw him in the Cherokee Nation?
A I am not acquainted with it. I don't know how many miles it is from Bourbon County over to Coffeyville. It is probably eight or nine miles through Bourbon county.

Q Is it fifty miles from where you lived there in 1867, in Kansas, to Coffeyville?

A Probably a hundred miles or more.

Q What do you think about? A I don't know very much about it. I would say a hundred miles anyway.

Q Is Coffeyville the nearest point to the Cherokee line from where you live? A No, sir.

Q What is the nearest place? A A straight line projected would be the nearest place.

Q Where would it strike the Cherokee Nation?

A I believe about fifteen miles east of Chetopa.

Q Is Bourbon the second county from the line, the Cherokee Nation line?

A The third county, I believe.

Q How far are those counties across? A I think about 25 miles. Cherokee County is the first, probably a little over 25 miles; then Crawford County, then Bourbon County.

Q You don't know where Nelson Murrell was in 1868? A No, sir.

Q Did you watch him very closely after you got acquainted with him?

A No, sir.

Q Do you know whether he was absent from that country for any particular length of time or not? A No, sir, I do not.

Q He disappeared from there shortly after you went there?

A Yes, sir, he moved away.

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases:

D-542, D-544, D-548, D-551, D-798, and in the case at bar.

I, Wm. Hutchinson, do hereby certify that as Stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson.

Arthur G. Oreninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Arthur G. Oreninger

Subscribed and sworn to before me this 15th day of April, 1908.

Philip R. Keister
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 15, 1902.

In the matter of the application of Nelson Murrell et al. for enrollment as Cherokee Freedmen.

APPEARANCES:

Applicants represented by Mellette & Smith, Vinita, I. T.
Cherokee Nation represented by W. V. Hastings.

W. H. NICKEMS, being first duly sworn, testified as follows:

- MR. HASTINGS: What is your name? A W. H. Nickems.
- Q What is your age, Mr. Nickems? A 64.
- Q What is your postoffice? A Fort Scott.
- Q Kansas? A Yes, sir.
- Q Where were you living when the war closed? A When it closed?
- Q Yes, sir, say in '65? A I lived five miles west of Scott.
- Q You mean Fort Scott? A Yes, sir, Fort Scott, in Bourbon County.
- Q Were you married then? A Yes, sir.
- Q Living on a farm? A Yes, sir.
- Q Did you know a colored man by the name of Nelson Murrell? A Yes, sir.
- Q When did you learn to know him? A It was about the latter part, I don't know just exactly what month it was, of '65.
- Q Was he living in the country or in town? A He was living in the country.
- Q On whose place, do you remember? A On Isaac Allen's place.
- Q How far did you live from him? A Oh, hardly half a mile, I would say half a mile.
- Q Did you know Joe Ross? A Yes, sir.
- Q Where did he live? A Why it was said that he lived with his father-in-law, I believe they called him.
- MR. SMITH: I object to anything that was said unless you know Nelson was his father-in-law.
- MR. HASTINGS: Well, you know him anyway? A I knew him.
- MR. SMITH: The counsel for the applicant objects as to the witness's statement as to where Joe Ross lived because he does not state from his own personal knowledge.
- MR. HASTINGS: You do state of your own personal knowledge that you knew him? A I knew him.
- Q And he lived around there somewhere? A He lived, he stopped—
- MR. SMITH: I object to that because it is a leading question.
- WITNESS: He stopped there where his father-in-law lived.
- MR. HASTINGS: How long did you continue to know Nelson Murrell, how long did he live on that place, Allen place? A I think he moved in '66, about the first of the year, it might have been that it was a little later or a little earlier.
- Q First of what time? A '66.
- Q Of '66? A It might have been that it was just the latter part of '65 that he moved; I knew that he lived there right on the same place till he moved.
- Q And where did he move to? A He moved about four miles and a half west of me on a farm that was known by John Todd's farm.
- Q Did you live between him and town at that time when he had moved? A Yes, sir.
- Q Did you ever have occasion to see him after that time? A Yes, sir, I see Nelson after that.

Q Well, for how long did you continue to see him? A It was in '67 sometime. I don't recollect just what time it was. I see him often passing backwards and forwards; he lived west of where I lived and the road that they travelled from Marmaton to Scott, Fort Scott, why passed right by my place, part of the time passed right in front of my house, and part of the time there was another road just west of my house a half a mile. I see him passing backwards and forwards.

Q Did you ever see Joe Ross after he moved away from the Allen farm? A Yes, sir.

Q Well, how long did you continue to see him up there? A I think it was in '67, the last that I ever recollect seeing of him; I might have seen him later than that.

Q You might have seen Nelson Murrell later than that? A Why I might have.

Q That's as late as you remember? A Yes, sir.

Q Do you know what finally became of Murrell, where he went to from that country when he left? A No, sir.

Q Do you know where he claimed he was from? A He claimed he was from the Nation.

Q How far was that from the Cherokee Nation? A Which?

Q Marmaton up there? A Marmaton, I don't know what the distance is from here to Marmaton.

Q Well, up from the line at Chetopa, Kansas? A I don't know just how far it is.

Q Well, it isn't the same tier of counties, don't border on the Nation line does it? A No, sir.

MR. SMITH: I understand that you are not certain about the time that you last saw Nelson Murrell, the man that you talk about, in Kansas; you couldn't tell us the date that he left? A No, sir, I saw him in '67.

Q How about Joe Ross? A I saw him in '67.

Q Which was the older of the two men? A Nelson.

Q Was he a married man or a single man, Nelson? A Married man was what was my understanding.

Q Well, did you know his wife? A No, sir.

Q Don't know what her name was? A Do not.

Q Where have you been living now ever since that time? Ever since the war closed? A Living on a farm that I bought in '65, five miles west of Fort Scott, and still remain there.

Q Were there a good many or just a few colored people in that country at the time the war closed? A Yes, sir, quite a good many.

Q Do you remember when all of them left or when each one left?

A I don't remember just when they left there, there is quite a good many of them that I know.

Q Well, you don't know if it's true that you saw Nelson Murrell in '67 you don't know where he was all of the time during '65 and '66 do you? A Well, I think I do.

Q Well, do you know it? A In '65 he lived on the Allen place in a half a mile of me, and I don't know but he remained there up to '66; I rather think he did.

Q He may have left there sometime during the year of '65? A Yes, sir, he might have done, but I think it was the latter part of '65 or perhaps it was the first of '66.

Q Well, all you can testify to is that you saw him there in Kansas as late as '65, you don't know where he was before that all of the time? A No, I don't know where he was, but I know where he lived or where they said he lived, I don't know just where he was.

Q You don't know where he lived except from what was said? A Oh yes, sir, I knew where he lived, he lived on the John Todd farm, and he lived on the Allen farm that I know of from '65 to '67.

Q Were you ever on the John Todd farm when he lived there? A Yes, sir.

Q Well, did you see his house? A Yes, sir.

Q See him? A I seed his house.

Q You didn't see him though on the John Todd farm? A I see the house on the John Todd farm, and my understanding was that Nelson lived there.

Q That was just your understanding; you didn't know it personally?

A Oh I seed them about the place, I knew them well enough when I was passing there, I know them when I seen them.

Q Why of course you knew them, but did you see them when you was passing there? A Yes, sir.

Q Well, who did you see? A I see Nelson there.

Q Who else? A Why I have seen the family.

Q Well, you didn't know his wife? A No, sir.

Q Well, you don't know whether you saw her or not? A No, I don't know whether I saw her or not.

Q Well, all you really know as to the John Todd place is what people said about where he lived? A Why he certainly lived there.

Q Well, do you know it of your own personal knowledge? A No, sir, I wasn't in his house, no, sir.

Q What is your occupation? A Farmer.

Q Live in Kansas? A Yes, sir.

Q Lived there ever since the war closed? A Yes, sir.

Q Well, now, how is it that you could remember that long about the movements of these colored people? A They was part of the people that worked for me.

Q Well, did Nelson work for you? A No, sir.

Q Well, then the fact that the other colored people worked for you wouldn't have anything to do with your remembering Nelson? A I was right in his yard, the road passed almost right through Nelson's yard, also the road passed right to his house when he lived on the Todd farm.

Q Well, Mr. Nickens, how long had it been since Nelson Murrell had moved from that community until you were called upon to remember it, until you were asked how long had he been gone when you were first asked about the date; how long had he been gone? A Why I don't recollect, my recollection is just what I knew about the folks.

Q Well, nothing was said to you one way or the other about the time he left until a short time ago, was there? A Why I knew what time, or about the last time I seed him, I don't pretend to say that he left at that time, but the last time I do say that I saw him was in 1867.

Q Well, how many years elapsed before you had a conversation with anybody relating to the time he left? A I couldn't tell you just exactly how many.

Q Well, was it thirty or thirty-five? A Oh twenty-eight or thirty years, some place along there.

Q Well, then, if it was twenty-eight or thirty years, with whom did you have the first conversation about that date? A I don't know as I recollect who I told, we might have talked about these folks, because there were parties of these folks that worked for me.

Q Well, there was Nelson, you wasn't talking about him, he didn't work for you did he? A No, sir.

Q Who did you first talk with about Nelson Murrell twenty-eight or thirty years afterwards? A The first talk I had was last fall I believe in regard to Nelson.

Q Well, who did you have that talk with? A Well, with, I can't recall the man's name, but he is an officer of Scott.

Q Fort Scott, Kansas? A Yes, sir.

Q Well, you didn't remember then just when Nelson had left there did you? A I knew that he left there in '67.

Q That means did you have to refresh your recollection, if any, as to the time when he had gone? A I see the man in '65, and I saw him in '67, my recollection is good enough to know when I saw

a man at that time why I don't forget it.

Q You didn't have any business transaction with him at all, did you, with Nelson Murrell? A No.

Q Now about thirty years afterwards you just remember, dry so, whether he had left there in '85 or '87? A I recollect that is the fact that I saw him, I don't know when he left there, but the last time that I saw this man was in '87 and I saw him in '88.

Q You had nothing to fix that on your memory that except your general? A I was very well acquainted with Joe Ross, and he kept me posted on his father-in-law.

Q Well, now, tell me how Ross kept you posted about Nelson Murrell?

A Well, Ross worked for me some, swapped horses with him at one time.

Q Joe Ross? A Yes, sir, Joe Ross.

Q Well, is that all--is that the only time you ever swapped horses with them? A Oh no, no.

Q Who else did you ever swap horses with? A I don't know, I used to trade horses considerable.

Q Can't tell all the people you traded with? A Could tell part of them.

Q Can you tell me anybody else you traded horses with in '87 and '88? A Oh, traded a good many times, you recollect about '85 it was trading part of this country.

Q Well, I don't recollect much about it. Nothing at all to fix that particular time on your memory with regard to Murrell further than you have stated here in your testimony? (No response)

Q Was there anything now to fix the time when you last saw Murrell further than what you have stated in the testimony which you have given? A I don't know of anything anything more than just what I have given.

Q Do you remember when the Commission set at Vinita, Indian Territory, up here in the Cherokee Nation, taking testimony in these cases? A I do not.

Q Where were you last October? A Where was I? I was at home, sir.

Q Was that about the time that they were talking to you about this case? A I don't recollect.

Q Well, do you know whether it was earlier or later? A I think it was along in the fall.

Q You don't know whether it was earlier or later than October?

A No, I don't just recollect.

JASPER FORTNEY, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Jasper Fortney.

Q What is your age, Mr. Fortney? A I am nearly 65, 64 past.

Q Mr. Fortney, do you reside in Kansas? A Yes, sir, Fort Scott, Kansas.

Q What your postoffice? A Yes, sir.

Q Do you live right in town? A Yes, sir.

Q I will ask you to tell the Commission when you came to Kansas, when you located there? A We landed in Bourbon County, Kansas, on the 6th day of April, 1882.

Q How far from Fort Scott? A Eight miles.

Q What direction? A West.

Q How far was that from either the town or the river at Moberly? A Two miles from the town out there, one mile from the river; the river runs in a northwest direction there.

Q Did you know a man by the name of Todd? A John Todd, yes, sir.

Q Did he own a farm out there? A Yes, sir, several of them.

Q Did you know a colored man by the name of Nelson Murrell? A Yes, sir.

Q When did you learn to know him? A The year of 1882.

Q How soon after you landed there? A Oh I don't see, speaking at various intervals.

Q How long did you know him? A He lived a number of years west from there.

moved to.

Q On whose farm? A On John Todd's farm.

Q Do you know Joe Ross? A Yes, sir.

Q Where did he live? A He lived in the same house with Nelson Murrell.

Q How long did you continue to know Nelson after you located there? A Until the fall of the year '68.

Q Fall of the year '68? A I think that is the time, sir, that is the best of my remembrance.

Q Make a crop there on Todd's place? A Yes, sir.

Q Both years of '68 and '69? A I think so.

Q Did you know his wife? A Yes, sir.

Q Do you remember her name? A Murrell's wife?

Q Yes, sir. A Eliza or Liza we always called her, Aunt Liza.

Q Did you know Joe Ross's wife? A Yes, sir.

Q What was her name? A Sarah.

Q They lived there together? A Lived in the same house.

Q Do you know what became of Murrell, this Nelson Murrell that you speak of? A He left there to come to the Nation, this country was then known with us as the Nation, down to the Nation.

Q Well, did you ever hear of him being down here afterwards? A I have heard of him; I never saw him. Moved onto the Verdigris River in south, nearly south, of Coffeyville.

MR. SMITH: I object to that because it does not appear that the witness is testifying from his own personal knowledge.

MR. HASTINGS: You only heard of that? A Only heard about it.

Q Through whom did you hear it? A Through my brother.

Q Did your brother know him up there? A Yes, sir.

MR. SMITH: I move to strike that out, being hearsay.

MR. HASTINGS: It is a circumstance by identification.

Q He lived in about a quarter of a mile did you say of you? A Yes, sir.

Q Were you married at the time you moved there? A Yes, sir.

Q To your present wife? A Yes, sir.

Q She is here with you? A Yes, sir.

Q Did Murrell or his wife either work for you some? A Yes, sir, occasionally helped us a little. Murrell would help on our farm and help when we needed help, and his wife helped our women with the housework.

Q Where did you come from to Kansas? A West Virginia.

Q And you weren't in Kansas then prior to April, 1868? A No, sir.

Q And you got acquainted with Nelson Murrell after that time? A Yes, sir.

Q That is your occupation, Mr. Fortney? A By profession I am a civil engineer, not doing much of anything now.

Q Little past that age? A I am not able to.

MR. SMITH: Well, this man Murrell that you speak of, you don't know where he was of course in '65? A No, sir.

Q Nor '66? A No, sir.

Q You don't know when he made the first trip that he made to the Cherokee Nation? A No, sir.

Q Well, at the time you knew him did you know where his family lived, have you ever been to the house? A Oh many a time.

Q Didn't own any farm there did he? A No, sir.

Q Well, what kind of work was he doing? A Farm work.

Q What kind of work did he do for you? A Helped us with the farm work, making fence, helped to thresh, and so on.

Q What kind of employment did you give him, by the day, week, month or year? A By the day usually.

Q By the day? A Yes, sir, I think so. Because he worked no considerable length of time at any one time continuous service.

Q Well, what kind of work did his wife do for your family? A Worked by the day, I suppose, sir.

Q Washed, did she, or cooked, or what? A Did washing and helping clean house and so on, women's work.

Q By the day? A By the day, I think so, sir, the women usually employed their help and did the paying also; but she, like her husband, worked no considerable time continuously for us.

Q How was her name you say? A Eliza, sir, we called her Aunt Liza in speaking to her.

Q How old was she at that time? A How old was she?

Q About, yes, sir; was she a young woman, or middle-aged or old?

A Middle-aged I would say, 40 or 45 years old.

Q Well, then, all you know about it is that after you went to Kansas you saw this man in Kansas, and that he worked for you, and his wife worked some for you by the day? A Yes, sir, and that they were there continuously for nearly two years, residing there.

Q Well, how far did they live from you? A About a quarter of a mile.

Q During two years? A We came there on the 6th day of April, 1868, and they were there I think late in the fall of '69.

Q At the same place? A At the same place in the same house, sir. Ross, Merrell, and their families all residing in the same house.

Q On whose farm? A John Todd's.

Q Well, what were you doing at that time? A I was farming.

Q How long did you continue to farm? A After that?

Q Well, just from the time you went there? A Well, most of the time for fifteen years; no, I will correct that, 12 years.

Q For the first two or three years after you went there were you farming continuously? A Continuously, yes, sir.

Q On what farm? A On the farm belonging to my father and brother, adjoining the one on which Merrell and Ross lived.

Q Was Merrell there all of the time during that time? A He resided there all the while, sir, he might have been away temporarily, I can't say.

Q Do you remember whether he was away at all or not? A No, sir, I don't remember after that.

Q Well, why do you say he resided there all of the time? A His family was there, that was his home.

Q It was because this woman whom you called Aunt Liza was there that you say he resided there? Is that correct? A Oh, he had his crop there, he had his farm tools there, and stock, he had some little stock, cows, I think, and horses, they was there.

Q Was he an old man or a young man? A I would think he was near 50 years old.

Q When? A At that time, 45 to 50, somewhere along there.

Q Have you ever seen him since he left there? A No, sir.

Q You don't know whether it was the same man who applies in this case or not? A Nothing only the name, sir, that is all.

Q Did he always go by the name, the man you knew, by the name of Nelson Merrell? A As far as I know he did, yes, sir.

Q You never knew him by any other name? A No, sir.

Q So far as you know you don't know where he went to when he left there of your own personal knowledge? A Only what he told me.

Q What who told you? A Nelson Merrell.

Q I thought your brother- A You asked me if I had seen him, I said I hadn't since that time, and I don't know where he resides further than what my brother said. But I did know where he said he was going.

Q Who did he say it to? A Said it to me.

Q Then? A Just before he came down into the territory.

Q Well, who came with him if any one? A Jon Ross, his son-in-law, and family.

Q What about the woman Aunt Liza, did she come? A Yes, sir.

Q Now when did you say that was? A Fall of '69 I think, sir.

Q The fall of '69? A Late in the fall of '69 that they came down

to this country or to the Territory, I won't say this country.
Q Well, what makes you so positive that it was that long after you first came to the country that they left? A Because, sir, Nelson Murrell had grown a crop, grown on John Ross's farm, in '89, and my brother and I helped to harvest it and helped to thresh it, and so on.

Q In '89? A My brother cut the harvest for him; I helped in the field as a harvest hand.

Q When did you first think about the time he had left afterwards, how many years had it been? A I don't know that, sir, I don't know when I first thought about it.

Q Well, you have had some conversation about it since I suppose?
A Not until--nothing more than my family and I might speak of Aunt Liza or Uncle Nelson, or hear indirectly something from them or something of them, why it might come up, I don't know that there was anything else to bring it up especially.

Q Well, with whom did you first talk as to the date, when did you first get to talking about the date when he had left there with anyone for the purpose of fixing the time in your mind? A I don't know when I first did, sir, may have spoke of it many times in the last thirty years.

Q Well, do you remember when the Commission was enrolling freedmen down here in the Cherokee Nation in about '86, Kern and Clifton Commission? A Oh, I may have read of it or heard of it.

Q Were you a witness then at that time? A No, sir.

Q Well, now when you first were asked about that you knew about Nelson Murrell how long had it been since he left there, how many years had elapsed, that's what I want to know, you see what I am asking you? A I was interrogated within the last four or five or six days, I will say a week; a gentleman came to see me to know if I knew anything of Murrell, and if I knew when he left, if I knew who his wife was, if I knew Joseph Ross, and if I knew his wife. Those questions have been asked me, yes, sir; and I answered affirmatively.

Q Well, was the inquiry with regard to Murrell, as you state, or Murrell; you said Murrell as I understood you? A Well, sir, Nelson Murrell.

Q How would you spell it? A I don't know, sir, I don't know that I ever spelled it or was asked to.

Q Well, would you say that it was Murrell or Merrell? A Well, after studying it over I would say if I was going to spell it that it was M-u-r-r-e-l-l.

Q Then you were mistaken when you said Merrell? A Well, it was probably a mistake in pronunciation, yes, sir, you and I might pronounce it differently.

Q Well, if it was spelled M-u-r-r-e-l-l you wouldn't call it Merrell, would you? A It might be thus pronounced.

Q Well, how would you get Merrell out of M-u-r-r-e-l-l? (No response)

Q Well, now, it had been when you were interrogated, as you speak of, something more than thirty years, hadn't it? A '89 and 90 would be '99; yes, sir, thirty years, over thirty years since he left there.

Q Did you have anything by which to refresh your recollection in books or papers? A No, sir.

Q Well, now could you remember exactly the year that you and your brother had harvested a particular crop for thirty years back without anything whatever to assist you in arriving at that date?

A Well, sir, I can answer that by saying that if I never did a job for a man except one time, and that was in the year that he left the country when that work was done, that I could arrive at a definite time.

Q Well, did you ever do any other work for any other one man who left the country at any particular time? A I don't remember.

Q Well, in what way were you able to arrive at this particular

date thirty years after it happened? A Simply by my own remembrance, that is all.

Q By your own remembrance? A Yes, sir, I have nothing by which to refresh my memory on anything of that kind.

Q You don't think you could be mistaken about it? A No, sir, I think not.

Q How was that? A I think not.

Q Well, are you sure? A I am as sure of that as I could be of anything else transpiring that long since, that is my remembrance.

Q That's the best of your recollection at this time? A Yes, sir.

Q You couldn't say as positively that that was true as you could about something that happened yesterday or last year, could you?

A Well, pretty nearly in this case. I don't think that there is anything that vitiates my remembrance at all of the time of his leaving there, and the time we went there.

Q How many colored people do you suppose left that country since you went there? A I don't know.

Q Many or few? A I suppose there have been a good many that have left there by death and otherwise.

Q Can you give the dates when they left, all of them? A I didn't have any business with them, therefore I wasn't intimately acquainted, not very intimately acquainted with them, I have known them, seen them.

Q Then you couldn't talk about the time when the majority of them went away? A No, sir.

Q What time in the year did you arrive there yourself? A Saturday of April, 1868.

Q Who did you bring with you? A Brought my family, and my father and his family.

Q Your wife and your own family and your father and his family?

A Yes, sir.

Q Never moved away from that immediate country afterwards? A No, sir, I have lived in that county ever since.

Q Well, did you ever do any civil engineering after you went there?

A Yes, sir.

Q About when? A Several times in my time; worked for this railway, some for the Gulf Railway, we called it the Memphis, the Frisco it is now, and the Missouri Pacific Railway Company.

Q Commencing about how long after you went to that county? A I was county engineer elected in 1869, and was the county engineer for four years, and deputy engineer for four years more, did the work.

Q Well, up to that time had you done anything except farm work?

A No, sir, very little civil engineering prior to that time.

Q Did Foss and Murrell live there together? A Yes, sir.

Q See them start? A Well, I knew when they did start, but whether I saw the wagons start when he left the house or not I can't say now. I knew they were getting ready to start and that they did leave.

Q What did they take with them? A Took their families with them.

Q That else? A What little stock they had I think.

Q Well, how much did that consist of? A I can't answer you now, I don't remember as to that.

Q Didn't seem to be much of a job for them to carry all that? A They came in wagons, had two wagons I think.

Q Had two families? A Had two families.

Q Took one wagon to move that one family had? A Yes, sir, I guess that's about the amount of transportation they had.

VANCEY FORTWELL, being first duly sworn, testified as follows:

MR. FORTWELL: What is your name? A VANCEY FORTWELL.

Q What is your age, Mrs. Portney? A 62.

Q Is Mrs. Portney, who just left the stand, your husband? A Yes, sir.

Q Your postoffice is Fort Scott, Kansas? A Yes, sir.

Q Do you live in town? A Yes, sir.

Q Where were you born? A West Virginia.

Q Were you living in West Virginia during the late Civil War? A Yes, sir.

Q Were you married before or after the war? A Married just before the war broke out.

Q When did you come to the state of Kansas? A The spring of '66.

Q Your husband come with you? A Yes, sir.

Q Where did you first locate? A Near Marmaton.

Q In the country? A Yes, sir.

Q On a farm? A Yes, sir.

Q Did you ever know a colored man there by the name of Nelson Murrell? A Yes, sir.

Q Did you know his wife? A Yes, sir.

Q Did you know a colored man by the name of Joe Ross? A Yes, sir.

Q Did you know his wife? A Yes, sir.

Q About how far did they live from you after you located there? A Well, I would say about a quarter of a mile just guessing at it.

Q How long after you came there did you become acquainted with them, learn to know them? A Well, almost immediately, because they were our nearest neighbors, and they worked for us.

Q Were they living there when you moved there? A Yes, sir.

Q How long did they continue to live there? A Well, the year of '68, and I think the fall probably of '68, at least I won't go any further than that, I am quite positive that they were there until the fall of the next year.

Q Of '69? A Yes, sir.

Q Live there on this same place where you found them? A Yes, sir.

Q And you lived there on an adjoining place a quarter of a mile distant? A Yes, sir.

Q That was out in the country was it? A Yes, sir.

Q Do you know where they went when they left there or where they said they were going? A Well, I know that they said they were going to the Nation, and further than that—

MR. SMITH: I object to that, I want to know who said that.

MR. HASTINGS: Well, any of Murrell's folks? A Well, yes, sir, they all talked of it, and of course we were anxious to know about their moving away.

Q Was that while they was making the preparations for their removal? A Yes, sir.

MR. SMITH: Well, I object to that because the statement of no one who is not a party to this action can be taken.

MR. HASTINGS: These are the same parties.

MR. SMITH: Well, I don't think so. Counsel objects to the statement made by any other person except the party to this suit.

MR. HASTINGS: (To witness) They said they were coming to the Nation? A Yes, sir.

MR. SMITH: That question is objected to.

MR. HASTINGS: You never saw them after that time? A No, sir.

Q Did the women folks work for you? A Yes, sir.

Q Did you know Murrell's wife's name at that time? A Yes, sir, Sarah I think was what they called her.

Q Did you know Joe Ross's wife's name? A That was Sarah, yes, sir.

Q Well, did you know Nelson's wife's name? A Yes, sir, that was Eliza, was Aunt Liza we called her.

Q You know whether Mrs. Murrell was any relation to Joe's wife or not? A No, sir, I don't know.

Q You don't know what the relationship was?

Q Did you see them frequently? A Yes, sir.

Q Could you see their house from yours? A Yes, sir.

Q Plain sight? A Yes, sir.

Q Across the field was it? A Well, we would have said down the road.

Q You came to Kansas from West Virginia in the spring of '88? A Yes, sir.

MR. SMITH: Well, how long now after Nelson Murrell had left Kansas before any discussion of the time when he left came up; how long? A I heard nothing at all about it until recently.

Q Well, about how recently? A Well, I don't think it's been more than a week or two weeks.

Q Well, then at that time did you have any recollection as to the time when he left there or did you have to look it up or talk with your husband or someone else about it? A No one at all. What I know, of course I am just telling you what I know.

Q Well, that I am talking about now after this time had elapsed, after that many years had gone by, did you remember it or did you have any way by which to refresh your recollection? A Remember it, sir, quite well, just as I am telling it.

Q That was about how long; something over thirty years after they had gone away, wasn't it? A Thirty years.

Q Something over that I say? A Well, no, we had been here, let me see, we come here the spring of '68, April, '68, and this is 1902, let's see how long.

Q Well, now, during all that time did you keep it in your mind that they left here in a certain year during a certain year; what I want to know is why and how that was fixed upon your mind, that particular date when they left? A Well, I was just thinking about how long we had lived there, how long they had worked for us, and I am not positive as to the second year, sir, at all; but I think the fall. I can just remember of seeing the covered wagons just as well when they were all getting ready, and I knew it was rather cold weather, I think it was very late in the fall when they moved away; I don't know just exactly, I am not positive as to the time they left just exactly.

Q Well, are you positive as to the year? A Yes, sir, I am positive as to that.

Q What time in the year did you get there? A The 6th day of this present--in April.

Q You never have seen that man Murrell since that time? A No, sir.

Q Nor Ross? A No, sir.

Q You don't know whether they are the same persons who are applying at this time for admission or not? A I don't know, did you say?

A I don't know; well I presume so.

Q I know; but what do you know about it; I don't want to know what you presume, but what you know? A Well, yes, sir, I would say they were the same parties.

MR. HASTINGS: Comes now the representative of the Cherokee Nation and moves that this testimony be filed with and made a part of the record in the following cases, for the reason that these parties claim to have returned to the Cherokee Nation after the war along with and at the same time that Nelson Murrell came, as follows: Joe Ross, F. D-548; Jacob Ross, F. D-559; Ezra Fox, F. D-508; and Steve Looney, F. D-519; together with the cases in which the testimony of these last mentioned cases is shown, which are as follows: D-580, D-552, D-758, D-623, D-473, D-475, D-544, D-545, D-546, D-796, D-541, D-540, D-543, D-545, D-550, D-547, D-547, and D-541, in addition to the case at bar.

MR. SMITH: The counsel for the applicants objects to this testimony being made a part of the record in any case except in those cases in which the cases have already been connected, because

the statements of the witnesses examined in this particular case today as to the time when Nelson Murrell left Kansas as they claim would not affect the cases of other persons because this record does not show that Nelson Murrell made only one trip to the Cherokee Nation, and further, the testimony taken in this particular cause upon notice to this particular applicant would not be competent testimony in the other cases in which it is sought to be made a part of the record.

MR. HASTINGS: The record shows that proof of notice to take testimony was had as filed upon the attorneys for the applicants in these five leading cases, being Nelson Murrell, D-548, Joe Ross, D-548, Jacob Ross, D-539, Steve Looney, D-529, and Esau Fox, D-508, and the testimony heretofore taken in these cases and introduced by the applicants themselves is to the effect that they all returned and moved to the Cherokee Nation together after the war; that they came along in the same group with Nelson Murrell and Joe Ross, about whom the witnesses introduced today testified, and for that reason the testimony of these witnesses is relevant in all of these cases.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 18th day of April, 1902.

[Signature]
Notary Public.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by inter-marriage of the Cherokee Nation, consolidating the applications of:

William Davis,	Cherokee Freedmen D—14,
Henry Thomas,	Cherokee Freedmen D—58,
Bill Vahganth,	Cherokee Freedmen D—70,
Mary Markham,	Cherokee Freedmen D—109,
Francois Melton,	Cherokee Freedmen D—110,
John Dutton,	Cherokee Freedmen D—111,
Mary Jane Wann,	Cherokee Freedmen D—115,
Thomas Dowd,	Cherokee Freedmen D—116,
Bill Myself,	Cherokee Freedmen D—116,
Sallie Rider,	Cherokee Freedmen D—147,
Reuben Campbell,	Cherokee Freedmen D—157,
Van Jackson Luther,	Cherokee Freedmen D—174,
Cassie Middleton,	Cherokee Freedmen D—176,
Mary Harts,	Cherokee Freedmen D—179,
Nellie Harts,	Cherokee Freedmen D—183,
John Harts,	Cherokee Freedmen D—194,
William S. Madden,	Cherokee Freedmen D—190,
Janie Beaumont,	Cherokee Freedmen D—208,
Albert T. Thomas,	Cherokee Freedmen D—210,
Mary Chapman,	Cherokee Freedmen D—213,
Caroline Daniels,	Cherokee Freedmen D—222,
Melvin Attey,	Cherokee Freedmen D—227,
Dave Morris,	Cherokee Freedmen D—228,
Alexander Caggott,	Cherokee Freedmen D—229,
Amanda Martin,	Cherokee Freedmen D—234,
Ella Martin,	Cherokee Freedmen D—217,
John B. Barnes,	Cherokee Freedmen D—218,
Bill Davis,	Cherokee Freedmen D—235,
Samuel Brown,	Cherokee Freedmen D—246,
Howard P. Watson,	Cherokee Freedmen D—247,
Jack McConally,	Cherokee Freedmen D—249,
Maudie Mantey,	Cherokee Freedmen D—253,

George Reed, Sr.,
 Buck Ledman,
 Bell Thompson,
 Lewis Scott,
 Abe Scott,
 Kender Lampton,
 Thomas E. Allen,
 Lewis Vanderford,
 John L. Bowlin,
 Katie Davis,
 Charles Williams,
 John J. Rose,
 Jane Martin,
 Lena Peterson,
 Alex Johnson,
 Martha Vann,
 John Scott,
 Nancy Ross,
 Charles C. Smith,
 Susie Colbert,
 William Skaggs,
 Susie Johnson,
 Alfred P. Hopkins,
 Kizzie Vann,
 Freddie Looney,
 Lucy Chouteau,
 Alice Durant,
 Mahaley Ward,
 Fred D. Thomas,
 Bettie Beck,
 Ellis Warren,
 Millie Robinson,
 Mary Webber,
 Frances Martin,
 Mary Riley,
 Emanuel Taylor,
 Henry Sykes,
 Larkin P. Powell,
 Stepney Dawn,
 Malinda Vann,
 Frances Johnson,
 Annie Foster,
 Mary H. Rogers,
 George Washington Lane,
 Jane Brown,

Cherokee Freedmen D-582,
 Cherokee Freedmen D-406,
 Cherokee Freedmen D-411,
 Cherokee Freedmen D-420,
 Cherokee Freedmen D-421,
 Cherokee Freedmen D-423,
 Cherokee Freedmen D-424,
 Cherokee Freedmen D-426,
 Cherokee Freedmen D-444,
 Cherokee Freedmen D-455,
 Cherokee Freedmen D-473,
 Cherokee Freedmen D-474,
 Cherokee Freedmen D-486,
 Cherokee Freedmen D-490,
 Cherokee Freedmen D-493,
 Cherokee Freedmen D-495,
 Cherokee Freedmen D-501,
 Cherokee Freedmen D-513,
 Cherokee Freedmen D-516,
 Cherokee Freedmen D-520,
 Cherokee Freedmen D-545,
 Cherokee Freedmen D-546,
 Cherokee Freedmen D-550,
 Cherokee Freedmen D-552,
 Cherokee Freedmen D-573,
 Cherokee Freedmen D-584,
 Cherokee Freedmen D-588,
 Cherokee Freedmen D-608,
 Cherokee Freedmen D-650,
 Cherokee Freedmen D-665,
 Cherokee Freedmen D-667,
 Cherokee Freedmen D-674,
 Cherokee Freedmen D-691,
 Cherokee Freedmen D-699,
 Cherokee Freedmen D-696,
 Cherokee Freedmen D-699,
 Cherokee Freedmen D-720,
 Cherokee Freedmen D-725,
 Cherokee Freedmen D-736,
 Cherokee Freedmen D-741,
 Cherokee Freedmen D-742,
 Cherokee Freedmen D-748,
 Cherokee Freedmen D-752,
 Cherokee Freedmen D-758,
 Cherokee Freedmen D-760,

Samuel L. Young,
 John Buckner,
 Willis Cox,
 Leonard Bowles,
 Malinda Murrell,
 Charles Claggett,
 Samuel Iwen,
 Mary Ross,
 Maggie Nave,
 Neoma Nave,
 Ella Ross,
 Elizabeth Duncan,
 Sadie Adams,
 Georgeann Archer,
 John Claggett,
 Hattie Smith,
 Jack Jackson,
 Lula Sanders,
 George Hazelrig,
 Lizzie West,
 Maria French,
 Mary Johnson,
 Maggie Vann,
 William Hudson,
 Sarah Rogers,
 Abraham Ballard,
 Laura David,
 John Dockman,
 James B. Perry,
 Isaac Welch,
 Lawson Logan,
 George Howell,
 Henry Masin,
 George Adams,
 Annie Thomas,
 Lewis McConnell,
 Callie Vann,
 Lou Peters,
 Ida Adair,
 Robert Brown,
 Allie Chambers,
 Isom Jones,
 Alice Gunter,
 Katie Adair,
 Carrie Martin,

Cherokee Freedmen D-761,
 Cherokee Freedmen D-780,
 Cherokee Freedmen D-781,
 Cherokee Freedmen D-782,
 Cherokee Freedmen D-788,
 Cherokee Freedmen D-789,
 Cherokee Freedmen D-798,
 Cherokee Freedmen D-799,
 Cherokee Freedmen D-808,
 Cherokee Freedmen D-816,
 Cherokee Freedmen D-840,
 Cherokee Freedmen D-871,
 Cherokee Freedmen D-880,
 Cherokee Freedmen D-901,
 Cherokee Freedmen D-912,
 Cherokee Freedmen D-923,
 Cherokee Freedmen D-928,
 Cherokee Freedmen D-973,
 Cherokee Freedmen D-987,
 Cherokee Freedmen D-996,
 Cherokee Freedmen D-1010,
 Cherokee Freedmen D-1089,
 Cherokee Freedmen D-1062,
 Cherokee Freedmen D-1067,
 Cherokee Freedmen D-1078,
 Cherokee Freedmen D-1082,
 Cherokee Freedmen D-1085,
 Cherokee Freedmen D-1105,
 Cherokee Freedmen R- 39,
 Cherokee Freedmen R- 45,
 Cherokee Freedmen R- 48,
 Cherokee Freedmen R- 56,
 Cherokee Freedmen R- 72,
 Cherokee Freedmen R- 82,
 Cherokee Freedmen R- 83,
 Cherokee Freedmen R- 86,
 Cherokee Freedmen R- 94,
 Cherokee Freedmen R- 96,
 Cherokee Freedmen R- 99,
 Cherokee Freedmen R-100,
 Cherokee Freedmen R-102,
 Cherokee Freedmen R-104,
 Cherokee Freedmen R-105,
 Cherokee Freedmen R-106,
 Cherokee Freedmen R-107,

Benjamin Clarke
 Emily Looney,
 John Ottway,
 Matilda Madair,
 Bettie Vann,
 Nelson Lott,
 Fannie Rogers,
 William Washington,
 Squire Warren Owens,
 Fannie Goldsby,
 Susan Daniels,
 Anderson Turk,
 David Lane,
 Felix McClain,
 Henderson Jones,
 Bettie Vann,
 Levi Stroud,
 John Sumpter,
 Mariah Thompson,
 Ellen Sheppard,
 Lula Melton,

Cherokee Freedmen R-108,
 Cherokee Freedmen R-110,
 Cherokee Freedmen R-117,
 Cherokee Freedmen R-117,
 Cherokee Freedmen R-122,
 Cherokee Freedmen R-123,
 Cherokee Freedmen R-129,
 Cherokee Freedmen R-131,
 Cherokee Freedmen R-133,
 Cherokee Freedmen R-144,
 Cherokee Freedmen R-146,
 Cherokee Freedmen R-148,
 Cherokee Freedmen R-156,
 Cherokee Freedmen R-165,
 Cherokee Freedmen R-173,
 Cherokee Freedmen R-181,
 Cherokee Freedmen R-196,
 Cherokee Freedmen R-311,
 Cherokee Freedmen R-330,
 Cherokee Freedmen R-337,
 Cherokee Freedmen R-347.

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by inter-marriage, were made to this Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Jim Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Rider for his wife, Sallie Rider; by Douglas Campbell for himself; by Van Jackson Luther for himself; by Tobe Middleton for his wife, Annie Middleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nettie Fields; by John Kinbo for himself; by William N. Madden for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Payton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard F. Watson; by Jack McConnell for himself; by Maudie Manley for herself; by George Reed, Sr. for himself; by Buck Ledman for himself; by Bell Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Kendler Lampton for himself; by Thomas E. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Mariah Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Wiley for his wife, Mary Wiley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Stepany Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr., for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Irvan for himself; by David Ross for his wife, Mary Ross; by George F. Nave for his wife, Maggie Nave; by Lewis Arunstead Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lula Sanders; by Mary Hazelrig for her husband, George Hazelrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckman for himself; by James B. Perry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McConnell for himself; by Josh Vann for his wife, Callie Vann; by Lou Foster for herself; by Robert Adair for his wife, Ida Adair; by Josie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Queen for her husband, John Queen; by Bettie Adair for his wife, Matilda McNeair; by Bettie Vann for herself; by Nelson Lott for himself; by Allan Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Lane for himself; by Felix McClain for himself; by Henderson Justice for himself; by Jane Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, June Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Murrie, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard E. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Beck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Reas, Charles C. Smith, Susie Colbert, William Staggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Duran, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Weber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin E. Powell, Stepney Davis, Malinda Vann, Francis Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irvin, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perty, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owen, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY,
Chairman.
[SIGNED] T. B. NEEDLES,
Commissioner.
[SIGNED] C. E. BRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT

SS

Ross

In the matter of the application of

David

for enrollment as a Cherokee Freedman.

No. F. D.

799

Henry Pack, of lawful age, being duly sworn on

oath states that on the 20th day of September, A. D., 1901, he registered

to

David Ross

whose postoffice is

Coffeyville Kan

~~to the Postmaster~~, a notice, a true copy of which is attached to this affidavit, and he hereto
attaches the receipt of the Postmaster at Fort Gibson Indian Territory;

and that on the 30th day of September, 1901, he received the return
card which is hereto attached, signed by the said David Ross, showing
that he had received said notice.


Subscribed and sworn to before me on this the 30th day of Sept A. D. 1901.

Henry Pack
J. O. Starr

Notary Public.

107
799
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

OCT 2 1901
FILED


ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of David Ross
for enrollment as Cherokee Freedmen:

Case No. F. D. 799
To David Ross, Coffeyville Ks

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Winta Indian Territory, on Oct 11, 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept 20, 1901

L B Bell

W. W. Hastings
J. S. Davenport
Attorneys for the Cherokee Nation.

410499

MAR 22 1964

[Handwritten signature]

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. David Ross,

Coffeyville, Kansas.

Cherokee F-D-799

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Label Sept 22 11
Mason, Seal apt

Freedom the potential purchase
and conveyance to the 3rd son of the
W. H. Lee 1-3 acres of the
Arkansas Choctaw Ry of the
TO

Seed also to Mrs. J. H. Lee, called
Mason of Robert Colbert

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Oklahoma City Ind. T. Oct 3rd 1911.

To the COMMISSIONER TO THE FIVE CIVILIZED TRIBES, U.S. Dept. Post

Wm. H. ... Ellie May Townsend

Chickasaw Minor R. I. N. 181

H. I. N. 24205

H. I. N. 26474

Witnessed by me

G. H. Collins.

Guardian.

Post Office 108 1/2 West Grand Ave.
Oklahoma City, Okla.

(B)

70799

RECEIVED
MAY 12 1901

[Faint handwritten signature]

100

CHEROKEE FREEDMEN.

Date JUN 21 1901
Post Office Coffeyville Kas.
District *levs*

1. Name *David Ross* Age *41*
Owner's name
Year *K.C.* Page *145* No. *3661* District *levs*
Citizenship

Parents:
Father *Joe Ross living* Citizenship
Mother *Sarah " dead* Citizenship

2. Name of wife *Mary Ross* Age *31*
Owner's name
Year Page No. District
Citizenship

Parents:
Father *Doubtful* Citizenship
Mother *Doubtful* Citizenship

Names of Children:		Year	Page	No.	Dist.	
3.	<i>Joseph Ross</i>	<i>K.C.</i>	<i>145</i>	<i>3593</i>	<i>levs</i>	<i>13</i>
4.	<i>Harry "</i>	<i>"</i>	<i>145</i>	<i>3594</i>	<i>levs</i>	<i>13</i>
5.	<i>Herbert "</i>	<i>"</i>	<i>145</i>	<i>3595</i>	<i>"</i>	<i>11</i>
6.	<i>Verdie "</i>	<i>"</i>	<i>145</i>	<i>3596</i>	<i>"</i>	<i>8</i>
7.	<i>Melton "</i>	Year	Page	No.	Dist.	<i>6</i>
8.	<i>Alva "</i>	Year	Page	No.	Dist.	<i>3</i>
9.	<i>John H. "</i>	Year	Page	No.	Dist.	<i>1</i>
10.	<i>X Doubtful</i>	Year	Page	No.	Dist.	
11.	<i>X Doubtful</i>	Year	Page	No.	Dist.	
12.	<i>X Doubtful</i>	Year	Page	No.	Dist.	

Application made by *no. 1* Stenographer *J. O. Ross*

3 On K.C. roll as *Joe Ross*
7 and 9. Birth certificates required.

X Ref D 542

Cherokee Freedmen
D-200, et al

Muskogee, Indian Territory, March 19, 1904.

W. V. Hastings,

Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 9, 1904, in the consolidated case of Hazz Fox et al., granting the application for the enrollment of Flora Murrell, and rejecting all the other applicants included therein, as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission as to Flora Murrell, a copy of which protest you will be required to furnish said Flora Murrell. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Enc. D-26.

Commissioner in Charge.

Cherokee Freedmen
B 508, et al.

Washkege, Indian Territory, April 23, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Beau Fox, et al., including the Commission's decision dated March 8, 1904, granting the application for the enrollment of Flora Murrell as a Cherokee freedman, and rejecting the applications for the enrollment of Beau, Nancy, Joe, Arthur, Mattie, Ruthie and Mary Fox, Ollie and Leever Gibson, Tobe, Eliza, Frank, Irving C., Allen, Alice, Bert, Jake, Steve and Peggy Leoney, Joe, Lewis, David, Joseph, Harry, Herbert, Vernie, Nelson, Alva, John H. and Chaney Ross, John Shadi, Phyllis, Luther J., Vessie, Sara and Emer Alexander, Nelson Murrell, Emma Brown, and Steve, Maggie, and Lloyd Willis as Cherokee freedmen.

Respectfully,

J. C. ...

Encl. V14

Chairman.

Through the
Commissioner of Indian Affairs.

Cherokee Freedmen
B 799

Muskogee, Indian Territory, April 23, 1904.

David Ross,
Goffeyville, Kansas.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your seven minor children, Joseph, Harry, Herbert, Vernie, Nelson, Alva and John H. Ross, as Cherokee freedmen, together with a copy of the Commission's decision, dated March 5, 1904, in the consolidated case of Esau Fox, et al., rejecting, among others, your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. V-271

Chairman.

Register.

COPY.

Cherokee Freedmen
D 999

Muskogee, Indian Territory, October 8, 1904.

David Ross,
Coffeyville, Kansas.


Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting, among others, your application for the enrollment of yourself and your minor children, Joseph, Harry, Herbert, Vernie, Nelson, Alva and John H. Ross, as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 31, 1904.

Respectfully,

(SIGNED) *Tams Bixby.*
Chairman.

COPY.


Cherokee Freedmen
D 508, et al.

Muskogee, Indian Territory, October 6, 1904.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated March 5, 1904, granting the application for the enrollment of Flora Murrell and rejecting the applications for the enrollment of Eason, Nancy, Joe, Arthur, Rattie, Ruthie and Mary Fox, Ollie and Leever Gibson, Maggie, Lloyd and Steve Willis, Chaney, Joe, David, Joseph, Harry, Herbert, Vernie, Nelson, Alva, John H. and Lewis Ross, Irving G., Jake, Allen, Alice, Bert, Frank, Eliza, Steve, Peggy and Tebe Looney, John Shadd, Phillis, Luther J., Vessie, Ezra and Emer Alexander, Nelson Murrell and Emma Brown, as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 31, 1904, and the Commission ordered to adjudicate the rights of the said Nelson Murrell to enrollment as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

(SIGNED) *Tams Bixby.*
Chairman.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Refer in reply
to the following: WASHINGTON, August 23, 1904.
Land,
28730-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated April 23, 1904, transmitting the consolidated record of the application for enrollment as Cherokee Freedmen by Beau Fox for himself, his wife, Nancy, and his minor children, Ollie Fox (now Ollie Gibson), Joe Fox, Arthur Fox, Mattie Fox, Ruthie Fox and Mary Fox, and the child of Ollie Fox Gibson, Leaver Gibson; by Emily Leoney for her husband, Tobe Leoney; by Eliza Leoney for herself and her husband, Frank Leoney; by Joe Hess for himself and his two grand sons, Irving G. Leoney and John Shadd, by Phillis Alexander for herself and her four minor children, Luther J. Vessie, Kara and Elmer Alexander; by Nelson Marrell for himself and his wife, Flora Marrell; by Louis Hess for himself; by Allen Leoney for himself and his two minor children, Alice and Bert Leoney; by Jake Leoney for himself; by David Hess for himself and his minor children, Joseph, Harry, Herbert, Vernie, Nelson, Alva and John H. Hess; by Steve Leoney for himself and his wife, Peggy Leoney; by Elmer Hess for

herself; by Emma Brown for herself and her minor son, Steve Willis; by Maggie Willis for herself and her minor son, Floyd Willis.

March 6, 1904, the Commission decided favorably to the enrollment of Flora Murrell, and adversely to the other applicants.

The record shows by a preponderance of credible testimony that the principal applicants and the ancestors of the others were slaves of citizens of the Cherokee Nation at the beginning of the war of the rebellion; that they were taken out of the Nation during the war and returned and established homes in the Cherokee Nation prior to February 11, 1867.

All applicants of sufficient age are identified on the Wallace and Kern-Clifton rolls, and in isolated cases are found upon the 1890 authenticated Cherokee roll, but it appears from the act of Congress approved June 28, 1898 (30 Stat., 495) section 21, that this roll was not intended for freedmen, but they were specifically excluded from the same.

There is some testimony in the record in behalf of the Cherokee Nation, but it appears to be that of stock witnesses who have appeared in many of the Cherokee freedmen cases.

In view of the record it is recommended that the Commission's decision favorable to Flora Murrell be approved and

that so much of the same as relates to the other applicants
be reversed and their names enrolled as Overseas Freedmen.

Very respectfully,

W. A. Jones,

Commissioner.

H. H. H.
V.

DEPARTMENT OF THE INTERIOR,

Y.P.
NAV.

WASHINGTON.

ITD, 6756-1904,

August 21, 1904.

L.R.R.

The Commission to the Five Civilized Tribes,

Washoe, I.T.

Gentlemen:

March 8, 1904, you rendered your decision in the case involving the applications for enrollment as Cherokee freedmen, of Flora Murrell, Neam Fox, Nancy Fox, Sillie Gibson nee Fox, Joe Fox, Arthur Fox, Hattie Fox, Ruthie Fox, Mary Fox, Leever Gibson, Tebo Leoney, Eliza Leoney, Frank Leoney, Joe Ross, Irving G. Leoney, John Shadd, Phillis Alexander, Luther J. Alexander, Vessie Alexander, Sara Alexander, Ermer Alexander, Nelson Murrell, Louis Ross, Aileen Leoney, Alice Leoney, Bert Leoney, Jake Leoney, David Ross, Joseph Ross, Harry Ross, Herbert Ross, Ver nie Ross, Waiison Ross, Alva Ross, John H. Ross, Steve Leoney, Peggy Leoney, Chaney Ross, Russ Brown, Steve Willis, Maggie Willis and Lloyd Willis, holding that Flora Murrell should be enrolled, and that the other applicants should not be enrolled.

It was stated that the principal applicants claim for themselves as former slaves of Cherokee citizens, and for their children and grandchildren included in their

respective applications, as their descendants; that all of such applicants claiming by descent were born since the commencement of the rebellion, and it is not shown that they have any rights as Cherokee freedmen other than as such descendants.

You found that the evidence shows that Ezra Fox, Nancy Fox, Tebe Leoney, Joe Ross, Nelson Murrell, Flora Murrell, Lewis Ross, Allen Leoney, Wrid Ross, Steve Leoney, Peggy Leoney and Chaney Ross were slaves of Cherokee citizens at the commencement of the rebellion; that all of them, except Flora Murrell, removed from the Cherokee Nation during the rebellion, and did not return thereto and did not take up their residence therein until after February 11, 1867.

Reporting in the matter August 23, 1904, the Commissioner of Indian Affairs states that the record shows by a "preponderance of credible testimony" that the principal applicants were taken out of the nation during the war, and returned and established homes in the Cherokee Nation prior to February 11, 1867; that all applicants of sufficient age are identified on the Wallace and Kern-Clifton rolls, and "in isolated cases are found upon the 1890 authenticated Cherokee roll, but it appears from the act of Congress approved June 28, 1898 (30 stats., 485)

section XI, that this roll was not intended for freedmen, but they were specifically excluded from the same." He states that there is some testimony in the record in behalf of the Cherokee Nation, but that it appears to be that of "stock witnesses" who have appeared in many of the Cherokee freedmen cases. He recommends that all of the applicants be enrolled.

The Commissioner is in error in stating that some of the applicants are on the 1860 roll. As stated in your decision, none of the applicants is identified on the 1860 authenticated Cherokee roll. In regard to his statement concerning the 1860 roll, attention is called to departmental letter of May 11, 1900, in which you were advised that the roll of 1860 made by the Cherokee Nation, is to be accepted by you as conclusive of the rights of all persons claiming as Cherokee freedmen, whose names are found thereon and of their descendants.

The Department finds nothing to warrant the conclusion that the witnesses for the nation are "stock witnesses."

It is true that, corroborating each other's statements to some extent, most of the principal applicants claim to have come to the Cherokee Nation in the fall of 1866, with Nelson Merrill, one of the applicants. The nation produced a number of witnesses who testified that

the two principal applicants, Sam Fox and Nelson Marrell, were residing with their families in southern Kansas, north of the Cherokee Nation, in 1866, 1867, 1868 and 1869, and, some of the witnesses stated, even at a later date; also witnesses to show that in 1868 no freedmen were residing in the Cherokee Nation where most of the principal applicants claim to have been living from September, 1866.

The Department finds no reason to disturb your decision, and it is hereby affirmed. You will, however, adjudicate the rights of Nelson Marrell to citizenship as an intermarried citizen.

A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos Ryan,

Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedmen
7-14 et al.

Muskogee, Indian Territory, January 24, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Nellie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Earlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bear, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Ananda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Mauda Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred J. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber,

Frances Martin, Mary Riley, Emanuel Taylor, Henry Hynes, Barkin P. Powell, Stepney Damm, Malinda Vann, Frances Johnson, Annie Foster, Mary E. Rogers, George Washington Lane, Jesse Brown, Samuel L. Young, John Buckner, Willie Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Junsan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James H. Perry, Isaac Welch, Lawson Logan, George Kowall, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ma Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice Guster, Katie Adair, Carrie Martin, Benjamin Clark, Emily Lockey, John Groves, Matilda McFair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariak Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by inter-marriage, including the Commission's decision dated January 19, 1905, rejecting said applications.

Respectfully,

(SIGNED)

Tams Bixby

Chairman.

Incl. K-6.

Through the

Commissioner of Indian Affairs.

COMMISSIONERS:
TAMM BEBIE,
THOMAS B. WENDLE,
C. E. BRACKENRIDGE,
WM. O. BRALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

NAME IN FULL TO THE FOLLOWING:
Cherokee Freedman
D-799,

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 24, 1905.

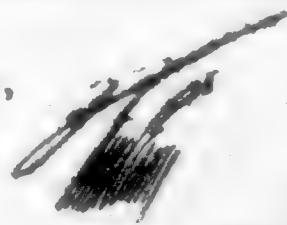
Mary Ross,
Coffeyville, Kansas.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Chairman.

Encl. L-94.

Register.

COPY.

Cherokee Freedmen
D-14 et al.

Muskogee, Indian Territory, January 24, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1903, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Hanley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John I. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Rase, Charles C. Smith, Susie Colbert, Willie Stagg, Susie Johnson, Alfred P. Hopkins, Fizzie Vann, Freddie Loney, Lucy

Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck,
Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary
Riley, Emmanuel Taylor, Henry Sykes, Larkin P. Powell, Stephen Dean,
Malinda Vann, Frances Johnson, Annie Foster, Mary E. Rogers,
George Washington Lane, Jane Brown, Samuel L. Young, John Buckner,
Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett,
Samuel Irvan, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross,
Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett,
Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie
West, Maria French, Mary Johnson, Maggie Vann, William Hagan,
Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James
B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir,
George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou
Peters, Ida Adair, Robert Brown, Allie Chambers, Leon Jones,
Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily
Looney, John Groves, Matilda McHair, Bettie Vann, Nelson Lett,
Fannie Rogers, William Washington, Squire Warren Swans, Fannie
Goldsby, Susan Daniels, Anderson Turk, David Lane, Volix McClain,
Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah
Thompson, Ellen Steppard and Lyla Melton, as Cherokee citizens
by intermarriage.

The decision, together with the record of proceedings
had in the case, has this day been transmitted to the Secretary
of the Interior for his review and decision. The action of the

Information will be made known to you as soon as the investigation is
completed of the same.

Respectfully,

SIGNED: *Fame Birby.*
Captain

Enc. 1-4

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Refer in reply
to the following:
Land.
7908-1906.

WASHINGTON, March 20, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1906, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Detsen, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinbe, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McCannell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kander Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Petersen, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Gilbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizais Vann, Freddie Looney, Lucy Cheuteam, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis

Warren, Willie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willie Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Eave, Neoma Eave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Mattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Swapter, Mariah Thompson, Ellen Sheppard and Lula Melton.

January 19, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority

-2-

of the Cherokee Nation or by any United States tribunal and that none is identified on the 1866 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (L. T. B. 3048-1904) in the Lemuel Valens case, the approval of the Commission decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

H. H. M.
V.

(COPY)

D. C. 20877-1908
I. T. D. 2904-1908

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

W.C.P.
P H X
L R S

April 17, 1908.

Commission to the Five Civilized Tribes
Muskogee, Indian Territory,

Gentlemen:

January 24, 1908, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 18, 1908, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Helton, John Detsen, Mary Jane Vann, Thomas Love, Ella Kayfield, Ballie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard P. Watson, Jack McConnell, Maude Hanley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lupton, Thomas E. Allen, Lewis Vanderford, John L. Boulton, Katie Davis, Charles Williams, John J. Nease, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann,

John Scott, Nancy Ross, Charles C. Smith, Susie Gilbert,
William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann,
Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward,
Fred D. Thomas, Bettie Beck, Ellis Warren Millie Robinson,
Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry
Sykes, Larkin P. Powell, Steyney Dawn, Malinda Vann, Frances
Johnson, Annie Foster, Mary H. Rogers, George Washington Lane,
Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard
Bowles, Malinda Murrell, Charles Claggett, Samuel Irwen, Mary
Ross, Maggie Nave, Naomi Nave, Ella Ross, Elizabeth Duncan,
Sadie Adams, Georgeann Archer, John Claggett, Fattie Smith,
Jack Jackson, Lula Sanders, George Hamelrig, Lizzie West,
Maria French, Mary Johnson, Maggie Vann, William Hutson,
Sarah Rogers Abraham Ballard, Laura David, John Beckman,
James E. Perry, Isaac Welch, Lawson Logan, George Howell,
Henry Masir, George Adams, Annie Thomas, Lewis McConnell,
Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers,
Isom Jones, Alice Hunter, Katie Adair, Carrie Martin, Benjamin
Clark, Bully Looney, John Groves, Matilda McHair, Bettie Vann,
Nelson Lett, Fannie Rogers, William Washington, Squire Warren
Owens, Fannie Goldsby, Susan Daniels, Anderson Tur, David Lane
Felix McClain, Henderson Jones, Belle Vann, Levi Streud, John
Smuster, Mariah Thompson, Ellen Sheppard, and Lula Melton.

Reporting in the matter March 21, 1905, the Indian
Office recommends that your decision be approved. A copy of
its letter is inclosed.

The Department concurs in said recommendation, and your
decision is hereby affirmed.

Respectfully,

I inclose,

(Signed) W. W. W. W.
Acting Secretary

COPY

Cherokee Freedmen
Bill, et al.

Muskogee, Indian Territory, April 28, 1905

Ball, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) *Tame Bixby.*
Chairman.

COPY.

Cherokee Freedmen

D-14, et al.

Muskogee, Indian Territory, April 28, 1905.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) *Tams Bixby.*
Chairman.

COMMISSIONERS:

TAMM BIXBY,
THOMAS B. NEEDLER,
C. B. BRACKENRIDGE,

WM. C. NEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ORDER IN REPLY TO THE FOLLOWING: Cherokee Freedmen
D-799.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 28, 1905.

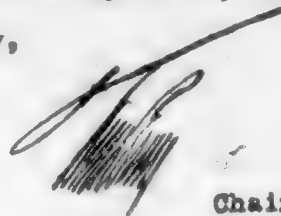
Mary Ross,

Coffeyville, Kansas.

Dear Madam:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,



Chairman.

Cherokee freedman
N 939

Muskogee, Indian Territory, May 28, 1906.

David Ross,
Coffeyville, Kansas.

Dear Sir:

You are hereby advised that the motion filed
September 7, 1905, by your attorneys for review in your
Cherokee freedman enrollment case was dismissed by the
Department May 2, 1906.

Respectfully,

Commissioner.

MMP

Cherokee Freedmen
R 400, et al.

Muskogee, Indian Territory, May 28, 1906

Bell, Hastings & Davenport,
Attorneys for Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the motions filed
September 7, 1905, by attorneys for applicants in the
Cherokee Freedmen enrollment cases of Joseph Brown and others
named in the Department's letter of May 2, 1906, a copy of
which is enclosed herewith, were denied by the Department in
said letter.

Respectfully,

IMB

Commissioner

Cherokee Freedmen
R 408 et al.

Muskogee, Indian Territory, May 2, 1906

Blue & Bulger,

Attorneys for Joseph Brown, et al.

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the motions filed September 7, 1905, by you, in the Cherokee Freedmen enrollment cases of Joseph Brown, and others named in the Department's letter of May 2, 1906, a copy of which is enclosed herewith, were dismissed by the Department in said letter.

Respectfully,

LMB

Commissioner

Encl. B-93

Cherokee Freedmen
R 739

Muskogee, Indian Territory, August 31, 1906

George Campbell,
Attorney for David Ross,
Coffeyville, Kansas.

Dear Sir:

This office is in receipt, on June 28, 1906,
of a motion made by you for a rehearing in the Cherokee
freedmen enrollment case of David Ross. R 739.

Said motion will receive the proper consider-
ation of this office and be transmitted to the Department
for action thereon, at the earliest practicable date, of
which you will be promptly advised.

Respectfully,

L M B

Acting Commissioner

Muskogee, Indian Territory, December 24, 1906

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a motion filed June 25, 1906, by David Ross for a rehearing of his Cherokee freedman case. It bears no evidence of a copy thereof having been served on the Attorney for the Cherokee Nation, and is unsupported by affidavits.

August 31, 1904 (I.T.D. 6756-1904), the Department affirmed the decision of the Commission to the Five Civilized Tribes, dated March 8, 1904, rejecting, among others, the application of David Ross for enrollment as a Cherokee freedman. A motion for review of said case filed September 7, 1905, was denied by the Department May 2, 1906. A motion for a rehearing of the consolidated case of Flora Murrell, et al., including the case of David Ross, filed March 16, 1906, was denied by the Department June 16, 1906 (I.T.D. 2549, 4716-1906), the Department

Muskogee, Indian Territory, December 24, 1906

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a motion filed June 25, 1906, by David Ross for a rehearing of his Cherokee freedman case. It bears no evidence of a copy thereof having been served on the Attorney for the Cherokee Nation, and is unsupported by affidavits.

August 31, 1904 (I.T.D. 6756-1204), the Department affirmed the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting, among others, the application of David Ross for enrollment as a Cherokee freedman. A motion for review of said case filed September 7, 1905, was denied by the Department May 2, 1906. A motion for a rehearing of the consolidated case of Flora Murrell, et al., including the case of David Ross, filed March 16, 1905, was denied by the Department June 16, 1906 (I.T.D. 2549, 4718-1906), the Department

Secretary-S

stating that it "has carefully reviewed the entire original record, with the affidavits filed on motion for rehearing in said case, and finds no reason to disturb its decision of August 31, 1904, to which the Department still adheres."

The motion presents no question not heretofore considered, and as it is without merit, it is respectfully recommended that the same be denied.

Respectfully,

Through the

Commissioner of Indian Affairs.

Encl. 2-4

Commissioner

Secretary-3

stating that it "has carefully reviewed the entire original record, with the affidavits filed on motion for rehearing in said case, and finds no reason to disturb its decision of August 31, 1904, to which the Department still adheres."

The motion presents no question not heretofore considered, and as it is without merit, it is respectfully recommended that the same be denied.

Respectfully,

Through the

Commissioner of Indian Affairs.

Encl. B-6

Commissioner

COPY

Refer in reply to the following:

Land.
66-1907
51411-1906

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

January 18, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby, dated December 24, 1906, transmitting a motion for a rehearing of the Cherokee Freedman case of David Ross.

The Department on August 31, 1904 (I. T. D. 6756-1904) affirmed the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting, among others, the application of David Ross for enrollment as a Cherokee Freedman. A motion to review the case, filed September 7, 1905, was denied by the Department on May 2, 1906. A motion for a rehearing of the consolidated case of Flora Murrell, et al., including the case of David Ross, filed March 16, 1905, was denied by the Department on June 16, 1905 (I. T. D. 2549, 4718-1905), the Department saying that it had carefully reviewed the entire original record, with the affidavits filed on motion for rehearing in the case, and found no reason to disturb its decision of August 31, 1904.

The motion transmitted herewith bears no evidence of

a copy thereof having been served on the attorney for the Cherokee Nation, and is unsupported by affidavit. No question of law or fact, not heretofore fully considered, is presented in the motion, and it appears to be without merit. It is therefore recommended that it be denied.

The record in the case is enclosed.

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

AJV-D

J.F. Jr.

DEPARTMENT OF THE INTERIOR, ILL

D.C. 5755-1907.

WASHINGTON.

I.T.D.1350-1907.

January 24, 1907.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On January 18, 1907 (Land 51411-1906), the Indian Office transmitted your report dated December 24, 1906, in the matter of a motion for rehearing filed in the application of David Ross for enrollment as a Cherokee freedman.

You state that the motion presents no question not heretofore considered, and as it is without merit you recommend that it be denied.

The Indian Office concurs in your recommendation. A copy of its letter is inclosed.

The nation protests against the granting of this motion.

A consideration of the record, together with the motion, shows no new matter not heretofore passed upon by the Department. The motion bears no evidence of service of a copy thereof upon the attorneys for the nation and is unsupported by affidavits. As said motion is without merit, it is hereby denied.

The papers in the case have been sent to the Indian Office for its files.

Through the Commissioner
of Indian Affairs
1 inc. and 10 to Ind. Of.

Respectfully,
(Signed) Thos., Ryan.
First Assistant Secretary.

Cherokee F
R 759

Muskogee, Indian Territory, February 6, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that a motion for rehearing of the Cherokee freedman enrollment case of David Ross, filed by him June 25, 1906, was denied by the Secretary of the Interior, January 24, 1907.

For your information, there is enclosed herewith a copy of Departmental Decision referred to.

Respectfully,

Encl. H-12
JMH

Commissioner.

Cherokee F.

Muskogee, Indian Territory, February 5, 1907.

David Ross,

Coffeyville, Kansas.

Dear Sir:

You are hereby advised that a motion for rehearing of your Cherokee freedman enrollment case, filed by you June 25, 1906, was denied by the Secretary of the Interior, January 24, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. H-11
JMH

Commissioner.

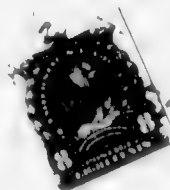
Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOCÉE, IND. TER.

572

Mary Ross,

Goffeyville, Kansas.



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOCÉE, IND. TER.



Mary Ross,

Goffeyville, Kansas.



Cher. Fr. R. 740

Trans. from C. F. D. 1045

Cher. Fr. R. 740

R

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., Sept, 12, 1901.

In the matter of the application of Eli Chouteau for the enrollment of himself and one nephew, John Rider, and one niece, Bertha Rider, as Cherokee Freedmen; being sworn and examined by the Commission, he testified as follows:

- Q What is your name? A Eli Chouteau.
Q How old are you? A I don't know exactly, about 24 I guess.
Q What is your post-office address? A Inola.
Q What district do you live in? A My home is in Cooweesocowee District.
Q That's in the Cherokee Nation? A Yes sir.
Q Do you apply for enrollment as a Cherokee Freedman? A Yes sir.
Q Do you apply for anyone besides yourself? A Yes sir, I have got guardianship papers here. (Produces papers).
Q Do you apply for the enrollment of John and Bertha Rider? A Yes sir.
Q How are you related to them? A I am their uncle.
Q Do you apply for any of your own children? A No sir.
Q What is the name of your father? A Jess Chouteau.
Q What is the name of your mother? A Katie Chouteau.
Q Is your father living? A No sir.
Q Your mother living? A No sir.
Q Was he a Cherokee Freedman? A No sir.
Q Was she a Cherokee Freedman? A Yes sir.
Q Who did your father belong to? A Chouteau.
Q Were they Cherokee Indians? A I think so.
Q Who did your mother belong to? A Old Mrs. Martin.
Q Was she a Cherokee Indian? A Yes sir.
Q How long have you lived in the Cherokee Nation? A I was born and raised here.
Q Have you lived here all your life? A Yes sir, all except last year I rented my place out and I am working out.
Q Where are you working out? A Right on the line, close to Inola, in the Creek Nation. I have been working there about a Year.
Q Have you ever applied for enrollment in any other tribe except the Cherokee? A No sir.
Q How old is John Rider? A About 17 I guess, as near as I can come at it.
Q The girl is Bertha Rider, how old? A She is about 14 years old.
Q Who is the mother of the se children? A Mary Rider.
Q Was she your sister? A Yes sir.
Q Is she living or dead? A She is dead.
Q Was she a recognized Cherokee Freedman? A Yes sir.
Q When did she die? A I couldn't tell you exactly what time it was.
Q About how long ago? A It has been about 7 or 8 years I guess.
Q Who was the father of the children? A Tone Rider.
Q Is he living or dead? A He is dead.
Q Was he a Cherokee Freedman? A Yes sir.
Commission: The applicant presents letters of guardianship showing that he has been appointed guardian for John and Bertha Rider, minor children of Mary Rider, said letters of guardianship are filed herewith.
Q These children are both alive? A Yes sir.
Q Are they living with you at the present time? A One of them is.
Q Which one? A The girl, Bertha.
Q Where is John? A He was over at home a week or two ago, I think he is over about Chouteau there.
Q Have they always lived in the Cherokee Nation? A Yes sir.
Q Were they born in the Cherokee Nation? A Yes sir.

- Q Is your name on the roll of 1880? A Yes sir, I think it is.
Q Were you in Coow-escowee District at that time? A Yes sir.
Q Is your name on the roll of 1896, the roll made about 5 years ago?
A Yes sir, I think so.
Q Is the mother of these children, Mary Rider's name on that roll?
A I don't know sir.
Q Is she your full sister? A Yes sir.
Q Same father and mother? A Yes sir.
Q Is a Tone Rider's name on the roll of 1880? A I couldn't say, mister, whether it is or not, I don't know.
Q Why didn't you apply for enrollment when the Commission was at Fort Gibson last April, or at Vinita last May? A No sir, I wasn't at neither one.
Q Why didn't you apply at that time? A I couldn't get there.
Q Were you physically unable to come? A No sir, I were attending to some business for my brother, he was in trouble.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 87 #714 Eli Chouteau, Cooweescoowee District, adopted colored;

1896 census roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 399 #93 Eli Chouteau, Cooweescoowee District.

- Q Was your sister older than you are? A Yes sir.
Q About how much older? A I don't know sir, there was 5 of us, and she was the oldest one of all of us.
Q Was she ever married before she married Rider? A Yes sir.
Q What was the name of her first husband? A Enoch Durant.
Q What was her name about 21 years ago? A Chouteau I suppose.
Q Was your sister born in the Cherokee Nation? A Yes sir.
Q Did she live here up until the time of her death? A Yes sir, - well she was out a little while, not more than two or three years. She was right down there at Muskogee.
Q When was that? A That was before she was ever married; she stayed with her aunt down there awhile, that's the only time she was ever out of the Cherokee Nation.
Q Was she ever married to anyone besides Rider and Durant? A No sir.
Q Did she ever go by any other name? A No sir.
Q Was she a slave? A No sir, I don't think so; she was small I guess during that time.
Q Was she living with her father in 1860, 21 years ago? A Yes sir, I guess she was.
Q Did she ever live with any other person besides her father or her 2 husbands? A She lived with her aunt down here at Muskogee.
Q What was her aunt's name? A Susie Vann.
Q You know about how long that was? A No sir, I don't; I was little.
Q Did your sister ever have any other name besides Mary? A No sir none that I know of, just Mary she went by all the time.

1880 authenticated roll of citizens of the Cherokee Nation examined for Mary Rider a name not found,

- Q Do you know what Toney Rider's father's name was? A Yes sir, Henry Rider.
Q You know what his mother's name was? A Caroline I think.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant's sister's husband's name found on page 161 #2318 Tony Rider, Cooweescoowee District, adopted col'd.

- Q Do you know when Tonet Rider and your sister were married?

- A No sir, I don't know what time it was.
Q Were you present at the marriage? A No sir.
Q Have you any evidence of that marriage, marriage license or certificate? A No sir.
Q Do you know where they were living when they were married?
A Yes sir.
Q Where was it? A Living up there east of Chouteau.
Q You know who married them? A If I aint mistaken Parson Joe Ross married them, if I make no mistake.
Q Is he living? A Yes sir.
Q Did they live together continuously up until the time Toney Rider died? A Yes sir.
Q Was your sister's first husband dead when she married Toney Rider? A No sir.
Q Was she ever divorced from him? A I don't know sir, whether she ever was or not.
Q Was Enoch Durant a recognized Cherokee Freedman? A No sir, he was a Creek citizen.
Q Was your sister ever enrolled as a citizen of the Creek Nation?
A No sir, not as I know of.
BY MR. HASTINGS, Cherokee Representative:
Q Did she live in the Creek Nation with her first husband? A Yes sir, she stayed there a while, then they moved up there about Chouteau.
Q Your sister was older than John? A Yes sir.
Q Then your sister was born before the war? A Yes sir, I think she was.
Q And you were born since the war? A Yes sir.
Q You know of her early whereabouts from what you have heard?
A Yes sir.
Q How long did you say she lived with her first husband over there in the Creek Nation? A I couldn't say positive, but I think it was some two or three years.
Q Where did she die? A She died down here at Vian, -no, my sister died up there east of Chouteau.

Wallace roll of citizens of the Cherokee Nation examined for Mary Rider, and name not found;
1896 census roll of citizens of the Cherokee Nation examined for John and Bertha Rider and found as follows:
page 415 #436 John Rider, Cooweescoowee District;
page 415 #437 Bertha Rider, Cooweescoowee District.

Commission; Eli Chouteau applies for the enrollment of himself as a Cherokee Freedman; he is identified upon the authenticated roll of 1880 and upon the census roll of 1896 as an adopted colored; he makes satisfactory proof as to his residence, in the Cherokee Nation and will be duly listed for enrollment as a Cherokee Freedman.

He also applies for the enrollment of John and Bertha Rider, children of his deceased sister, Mary Rider. He makes satisfactory proof as to their residence in the Cherokee Nation. The mother of the children, Mary Rider, is not identified upon any of the rolls of the Cherokee Nation in the possession of the Commission. The applicant avers that she was first married to one Enoch Durant, and that she lived with him for some two or three years in the Creek Nation. She subsequently married one Toney Rider, which Toney Rider is identified upon the authenticated roll of 1880 as a Cherokee Freedman; no satisfactory proof is introduced as to the marriage of said Toney Rider and Mary Rider, neither is any testimony introduced to show that said Mary Rider was ever divorced from her former husband, Enoch Durant. By reason of these facts, the 2 children John and Bertha Rider, will be duly listed for enrollment as Cherokee Freedman upon a doubtful card, and the applicant will be required to file with the Commission satisfactory proof as to the marriage of Toney and Mary Rider,

Eli ChoctEAU et al 4

and he will also be required to bring before this Commission proof showing that the mother of these children was a recognized Cherokee Freedman.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes.

(signed) M. D. Green

Subscribed and sworn to before me this September 20th, 1901.

(signed) C. R. Breckenridge
Commissioner

Endorsed on back:

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED

OCT 3, 1901

TAMM BIXBY

Acting Chairman.

Flora L. Ross, stenographer to the Commission to the Five Civilized Tribes, hereby certifies that the above and foregoing is a true and correct copy of the original now on file with the Commission.

Flora L. Ross

Subscribed and sworn to before me this 19th day of December, 1901.

Wm. M. Sampson
Notary Public.

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DEPARTMENT OF THE INTERIOR
BUREAU OF GEOLOGICAL SURVEY
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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Ind. Ter., May 31, 1902.

In the matter of the application of Eli Chouteau for the enrollment of John Rider and Bertha Rider as Cherokee freedman.

Joe Ross, being sworn and examined, testified as follows:

- X. P. Blakely: What is your name? A Joe Ross.
- Q How old are you? A 51.
- Q Did you know Mary Rider and Toney Rider? A Yes sir.
- Q Was Toney Rider a recognized citizen of the Cherokee Nation? A Yes sir.
- Q On the 1860 roll? A Yes sir.
- Q Was Mary Chouteau a recognized citizen of the Cherokee Nation? A Not that I know of.
- Q Who was her brothers? A John, Eli and Will and Tobe Chouteau, they were her brothers.
- Q Did you ever perform the rites of matrimony between Mary Chouteau and Toney Rider? A Yes sir.
- Q Where is Mary Rider now? A She is dead.
- Q Where is Toney Rider now? A Dead.
- Q Did they live together as man and wife until they died? A Yes sir.
- Q Where did they die? A Toney Rider died down in Sequoyah District, Cherokee Nation.
- Q Where did Mary die? A In Cooweescoowee District. She was buried on Brushy Creek.
- Q Did they have any children of that marriage? A She had two children, the oldest boy was not Toney Rider's son. He was Mary's son.
- Q What was the other one's name? A It was a girl, I don't remember her name.
- Q Are they living now? A Yes sir, they are living.
- Q Where are they living? A The boy is working for G. Hayden at Chouteau.
- Q Where is the girl? A I guess she is with Tobe Chouteau's widow.
- W. V. Hastings: When did you marry them, Joe? A March, 17 years ago.
- Q Was Toney Rider married before this? A Not that I know of.
- Q Didn't you ever hear of it? A He had lived with a woman before that but being married I don't know that.
- Q You know he lived with a woman? A Yes sir, ~~she was his wife~~.
- Q He lived just as any man would with his wife? A No sir, they had been dealing together was all.
- Q Did they have children? A No sir, not that I know of.
- Q How far did they live from you? A Right in the neighborhood.
- Q How long had he been living with this other woman? A About one year I guess.
- Q How long had you known him before that time? A I had been knowing him about three years I guess before that.
- Q How long had you known Mary before you married her to Toney? A I had been knowing her about three or four years.
- Q Did you know her while she was the wife of Enoch Burant? A Yes sir.
- Q How long did she live with him? A I don't know.
- Q Was she living with him when you first learned to know her? A Yes sir.
- Q Do you know whether they were divorced or not? A No, I do not.
- Q What became of Enoch? A He is dead.
- Q Had he died before this marriage ceremony? A No sir, they parted.

YY
2- Eli Chouteau.

Q He was living at that time? A Yes sir.
Q How long has he been dead? A About two years to my knowledge he was a Greek citizen.
Q Whose child is this oldest boy you speak of here, the father of this child? A Enoch or Enoch Durant.
Q He is a Greek citizen is he? A Yes sir.
Q You don't know the name of the girl? A No sir, I don't know the name of the girl.
Q When did the mother die? A Their mother has been dead between nine and ten years.
Q Where did she die? A On Brush Creek.
Q Did this girl live with her until her death? A Yes sir, I buried her.
I. P. Bledsoe: She kept both those children here in the Cherokee Nation, raised them here? A Yes sir.
Q They lived here while she was married to Durant in the Cherokee Nation? A Yes sir.

Jerry B. Butler, being sworn and examined testified as follows:
I. P. Bledsoe: What is your name? A Jerry B. Butler.
Q How old are you? A 44.
Q Where do you live? A On Brushy, Cooweescoowee District, Cherokee Nation.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Are you on the authenticated roll? A Every roll.
Q Did you know one Tone Rider and Mary Chouteau? A I did.
Q Was Tone Rider a recognized citizen of the Cherokee Nation? A Yes sir.
Q He lived in the Cherokee Nation? A Yes sir.
Q He is now dead is he? A Yes sir.
Q Do you know Mary Chouteau? A Yes sir.
Q Was she a Cherokee freedman? A Yes sir.
Q Recognized? A Yes sir.
Q Bidshe and Tone Rider live together as man and wife? A Yes sir.
Q In the Cherokee Nation? A Yes sir.
Q Do you know how many children Mary had? A Two to my knowing.
Q What are their names? A One they call Bertha, and John we call him Teep.
Q Mary and Tone are both dead? A Yes sir.
Q Where are those children now, Jerry? A The boy is at Chouteau.
Q In the Cherokee Nation? A Yes sir.
Q The girl? A She is somewhere, Eli told me; I don't know.
Q They are both minor children? A Yes sir.
Q Do you know Mary's brothers and sisters, if you do mention them?
A Tebe, Eli, John.
Q Did she have a brother named Will? A Yes, Will.
Q Was Mary old enough to be a slave? A No sir.
Q Who was her father and mother? A Katie and Jesse Chouteau.
Q Were they slaves of Cherokee citizens? A They say they were, I wasn't old enough to know that.
Q These two children are still alive now? A Yes sir.
I. P. Bledsoe: Who did you say John Rider's father was? A Tone Rider.
Q When did you first know him? A God God Almighty, I have known him ever since I was a little boy.
Q When was Tone Rider and his wife, Mary, married? A I don't remember the year.
Q Who married them? A Joe Ross they said, I wasn't at the wedding.
Q Was it before or after these children were born? A It was before they were born.
Q What children were born after they were married? A To my remembrance, John and Bertha; she might have had more, but I don't remember.
Q Do you know whether or not they were married or not? A I don't know only what they said.
Q Do you know whether Mary Rider had ever been married before?
A I don't remember.

3-111 Chouteau

Q Do you know whether she ever lived with a man as his wife? A I don't know that.

Q Don't you know she lived with Enoch Durant and he was the father of the first child that was born? A That is right that as come to my memory. I will call that all back Toop that is Durant's child, so they always claimed.

Q When did Enoch Durant die or is he living now? A He might be living.

Q Did he and Mary separate? A They separated. He stole a horse from his brother or sister, anyhow his brother went with me to Socseneck to try and catch him, he was sooking.

Q Was he living when Mary and Tone Rider married? A Yes sir, he was living when they married. As I told you I forgot that this John or Toop, he was called Enoch's, but this little girl Bertha that was Tone's child so they say; that is all I know about it.

I. P. Bledsoe, being sworn and examined, testified as follows:
By Commission: What is your name? A I. P. Bledsoe.

Q What is your age? A 53, Residence Chouteau, Cherokee Nation. I knew Tone Rider and Mary Rider during their life; I knew them to live together as man and wife and so considered in the community and I know that Mary always claimed these two children to be hers and she always claimed to be a full sister to Will Chouteau, Tobe and John Chouteau; she was always considered a Cherokee citizen as far as I know.

Q S. Davanport: How long have you lived in the Cherokee Nation? A Ever since 1886.

Q You never knew these parties before that? A No sir.

Q Did you know Mary when she lived with her first husband? A No sir.

Q Had they separated? A I don't know anything about it at all.

Q You know as a matter of history that she had lived with a man before she lived with this man, Tone Rider? A Yes sir.

Q Did you ever know Enoch Durant? A No sir.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. L. Rothberger

Subscribed and sworn to before me this 18th day of June, 1908.

[Signature]
Notary Public,

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COMMUNICATIONS SECTION
TO FIVE TRIBES

178104

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Ind. Ter., June 23, 1902.

In the matter of the application of Sarah E. Brown for the enrollment of her minor nephew, Jesse Durant, as a citizen of the Creek Nation.

Sarah E. Brown, being first duly sworn, testified as follows:

By the Commission:

- Q What is your name? A Sarah E. Brown.
Q How old are you? A Thirty-eight.
Q What is your post office address? A Muskogee.
Q What relation are you to Jesse Durant? A His aunt.
Q In what nation do you desire to make application for his enrollment? A Creek Nation.
Q Do you desire to make application for his enrollment as a Creek freedman? A Yes sir.
Q Who was the father of Jesse Durant? A Unip Durant.
Q Was Unip Durant a citizen of the Creek Nation? A Yes sir.

It appears from an examination of the records in this office that Unip Durant is regularly listed for enrollment as a citizen of the Creek Nation on Creek Freedmen Card Field No. 1156.

- Q Who was the mother of Jesse Durant? A Mary.
Q Mary who? A Mary Durant.
Q Was she a citizen of the Creek Nation? A Yes sir; I suppose to be; I don't know whether she was a recognized citizen; she always held a right.
Q What town did Mary belong to? A I don't know, sir.
Q Well you don't know whether she was a citizen or not, then, do you? A No sir, I don't.
Q Did Mary Durant live in the Cherokee Nation? A Yes sir.
Q Do you know whether she was a recognized citizen of the Cherokee Nation? A No sir.
Q Is Mary Durant living? A No sir, she is dead.
Q How long has she been dead? A Well, I suppose over twelve years.
Q How old is your nephew, Jesse Durant? A Eighteen, will be in August.
Q Has he been recognized as a citizen by the tribal authorities?
A Yes sir.
Q Does his name appear upon the tribal rolls of the Creek Nation?
A Well, I suppose it do. I think his father drew the twenty-nine dollar payment and the fourteen dollar for him.
Q What town does he belong to? A Canadian.

The 1890 authenticated roll, Canadian Town, Creek Nation, examined, and the name "Jesse Durant" is found therein with the family of Unip Durant, Page 68.

The 1895 pay roll, Canadian Town, Creek Nation, examined, and the name "Jessie Durant" is found therein, with the family of Eunuch Durant, No. 341.

- Q Why was not application made before this time for the enrollment of this boy? A Well, he was away, and I tried to get him in my possession before I came to make application for him.
Q Where does he now live? A With me now.
Q Does he live in the Creek Nation? A Well, he was raised here.
Q Has he ever been outside the territory? A No sir.

2 - Sarah E. Brown for Jesse Durant.

Q Has he a home in the Creek Nation? A No sir.

Q Is there any other statement that you desire to make at this time with reference to this application? A No.

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time for the enrollment of your minor nephew, Jesse Durant, as a citizen of the Creek Nation, which will be mailed to you at your present post office address, as given by you in your testimony taken at this time.

Oliver C. Hinkle, being first duly sworn, upon his oath states that, as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled case on the 23rd day of June, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said day.

Oliver C. Hinkle,

Subscribed and sworn to before me this 24th day of June, 1902, at Muskogee, Indian Territory.

William T. Martin,
Notary Public.

(SEAL)

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he copied the above and foregoing, and that same is a true and complete copy of the original transcript.

Wm Hutchinson

Subscribed and sworn to before me this 7th day of December, 1903.

Edward Morris
Notary Public.

Creek #214.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Ind. Ter., February 9, 1903.

SUPPLEMENTAL TESTIMONY in the matter of the application
of Sarah E. Brown for the enrollment of her minor nephew, Jesse
Durant, as a Creek freedman.

APPEARANCES: Arthur P. Murphy, Attorney for the Creek Nation.

ALEX BANGO, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Alex Sango, but I signs it A.G.W.Sango.
Q What is your age? A Thirty-five.
Q What is your postoffice address? A Muskogee.
Q Are you a citizen of the Creek Nation? A Yes sir.
Q Do you know Jesse Durant? A Yes sir.
Q Can you identify this man here (indicating bystander) as Jesse
Durant? A Yes sir.
Q What is the name of his father? A Unip Durant is what we called
him; his name might be Enoch.
Q Is his father living? A No sir.
Q How long has he been dead? A About two years.
Q What is the name of Jesse Durant's mother? A Mary.
Q Is she living? A No, she is dead.
Q How long has she been dead? A I wouldn't try to swear that; she
has been dead sometime, but I wouldn't -- I don't know just how
many year she has been dead.
Q Was she a citizen of the Creek Nation? A No sir.
Q Was she a citizen of any nation in the Indian Territory?
A I don't know; she claimed to be a Cherokee.
Q Did she live here in the Creek Nation? A Yes sir.
Q Did you know her personally? A Yes sir, I knew her personally.
Q Was she married to Unip Durant? A Yes sir, that was my under-
standing; they were living together when I was quite young, and
that was the understanding, that they were married; of course I
wasn't at the wedding.
Q Did you know Unip Durant before Jesse was born? A Yes sir.
Q Was Jesse born while Unip was living with Mary? A Yes sir.
Q Unip Durant was a recognized citizen of the Creek Nation?
A Yes sir.
Q How long has Jesse lived here in the Creek Nation?
A Why he is living here, all his life, made this his home, I sup-
pose; he is here all the time, most of the time.
Q You can swear positively that Unip Durant is the father of Jesse
Durant? A I can't swear that; I can swear that Unip Durant

- claimed him as his son; I can't swear absolutely that he is his father; I couldn't swear that about my own.
- Q Well Unip Durant claimed him as his son? A I can swear as to the resemblance of him to Unip Durant; but people sometimes resemble who are no kin, you know.
- Q Did he live with his father up to the time his father died?
- A He was mostly with Mrs. Brown. His father didn't live there all the time. He was there when he died of course.
- Q Do you know whether his father cared and provided for him?
- A I think Mrs. Brown provided for him mostly.
- Q What was the trouble that Jesse didn't live with his father?
- A Why he lived with his aunt. I don't know of any trouble but lots of time these people live with their kin-folks -- my little girl lives with my sister.

EXAMINATION BY ARTHUR P. MURPHY, Attorney for the Creek Nation.

- Q How long have you known him? A I think I can say that I have known him ever since he was a child.
- Q Did he ever live with his father? A Well, his father lived here, that is, his father lived here part of the time and he lived with his father, but he lived with his aunt most of the time.
- Q With his aunt most of the time? A Yes sir, most of the time.
- Q How long do you say his father has been dead? A He has been dead about two years; his mother died before his father, and he married again.
- Q He is the only Unip Durant that you know in the Creek Nation?
- A Yes sir, he is the only Unip Durant I know.
- Q Do you know of any other Jesse Durant? A No, I think Unip had a brother by the name of Jesse, but I think he died before my time. I think I heard him speak of him.
- Witness excused.

DAVE ROBERTS, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

- Q What is your full name? A David Roberts.
- Q What is your age? A About forty-four.
- Q What is your postoffice address? A Muskogee.
- Q Do you know Jesse Durant? A Yes sir.
- Q Is this man here (indicating bystander) Jesse Durant? A Yes sir.
- Q Do you know the names of his father and mother? A Yes sir.
- Q What is the name of his father? A Unip Durant.
- Q Is Unip Durant living? A No sir, he is dead.
- Q What is the name of Jesse's mother? A Mary.
- Q Mary Durant, was it? A Yes sir; Mary Durant.
- Q Is she living? A No sir, she is dead.
- Q She was not a citizen of the Creek Nation?
- A No sir, she was not a citizen of the Creek Nation.
- Q How long have you known this Jesse Durant? A Jesse Durant -- well I have been knowing him all of his life.
- Q Was Unip Durant and Mary married?
- A Yes sir, they were living together.
- Q Did they live together? A Yes sir, they lived together.
- Q How long did they live together? A Well, I couldn't tell you just exactly how long they lived together.
- Q Was this Jesse Durant born to Mary while Unip was living with her?
- A Yes sir.

- Q Did Unip Durant recognized Jesse Durant here (indicating bystander who has been recognized as by witness as Jesse Durant) as his son? A Yes sir.
- Q Did Jesse ever live with his father?
- A Yes sir, he lived with his father and Mrs. Brown.
- Q About how long did he live with his father?
- A Well I couldn't tell you that, just exactly how long.
- Q Well I mean about how long? A Oh I will guess at it, as far as I know, I guess, off and on, he just lived with him, you are speaking of, three or four years, I guess, to my knowings. Of course he staid with his father a while, then with Mrs. Brown, they lived close together.
- Q Where did Mary die? A I couldn't tell you that just exactly.
- Q Did Jesse ever live with his mother? A With his mother -- not as I know of. Of course he was living with his mother when him and Unip Durant was living together.
- Q Did he go with his mother into the Cherokee Nation?
- A No t as I know of.

EXAMINATION BY ARTHUR P. MURPHY, Attorney for the Creek Nation.

- Q How far did you live from them?
- A Well I guess I lived about in a mile of them.
- Q All that time? A Yes sir.
- Q You were seeing them quite frequently? A Yes sir.

Witness excused.

JESSE DURANT, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your full name? A Jesse Durant.
- Q What is your age? A About seventeen.
- Q What is your postoffice address? A Muskogee.
- Q What is the name of your father? A Unip Durant.
- Q Is your father living? A No sir.
- Q Were you living with your father when he died?
- A I was at my aunt's when my father died.
- Q How long ago did your father die? A About two years.
- Q Did you ever live with your father? A Yes sir.
- Q How long did you live with him? A About three or four years.
- Q What is the name of your mother? A Mary Durant.
- Q Is she living? A No sir.
- Q How long has she been dead? A I dont know sir, how long she has been dead.
- Q Did you ever live with your mother? A When I was staying with my dad I was.
- Q When you were staying with your father, you mean? A Yes sir.
- Q Where do you live now? A I stay with my aunt.
- Q What is your aunt's name? A Sarah Brown.
- Q How long have you lived with your aunt?
- A I have been staying a long while.
- Q Well how did you come to be living with your aunt?
- A I was just staying there.
- Q Did your father always live in the Creek Nation? A Yes sir.
- Q Was your mother living in the Creek Nation when she died?
- A No sir; I don't think she was.
- Q Did you ever see your mother? A Not as I knows of.

- Q Have you been living some in the Cherokee Nation?
 A I have been up there but I didn't make my home up there.
 Q How long did you live up there at any one time?
 A I staid up there three or four months -- I use to work up there on the railroad.
 Q You always lived with your father and mother until you were about four years old? A Yes sir.
 Q How did you come to leave your father and go somewhere else and live? A I don't know.
 Q Have you an uncle by the name of Jesse Durant? A Yes sir.
 Q Is he living? A No sir, he ain't living.
 Q How long has he been dead?
 A I don't know sir, how long he has been dead.
 Q Did you know him? A Yes sir.
 Q Did he live near you when he died? A No sir.
 Q Can you recollect about how long ago he died? A No sir, I don't know how long he has been dead, I can't recollect.
 Q You knew him though? A Yes sir.

EXAMINATION BY ARTHUR P. MURPHY, Attorney for the Creek Nation.

- Q How long ago has it been since you staid up there in the Cherokee Nation about three or four months, that you talked about?
 A It was last year.
 Q Were you living with your mother then?
 A My mother was dead then.
 Q Did you ever see your uncle, Jesse Durant? A Yes sir.
 Q How long ago since you seen him? A I can't recollect, it has been a good little while.
 Q You remember, him, do you? A Yes sir.
 Q Have you any other uncles? A Yes sir.
 Q Who were they? A Will Durant, Phillip Durant, Stephen Durant.
 Q Did you have any aunts? A Yes sir.
 Q Who were they? A Sarah Durant, and Aunt Bet Durant; thats all I knows of.
 Q That is all the aunts you ever had?
 A I think I have some more, but I have forgot their names.
 Q That is all you know of? A Yes sir.

Witness excused.

 Oliver C. Hinkle, being first duly sworn, upon his oath states, that as stenographer for the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause on February 9, 1903, and that the above is a full, true and correct transcript of his stenographic notes thereof.

(signed) Oliver C. Hinkle.

Sworn to and subscribed before me this 21st day of February, 1903, at Muskogee, Indian Territory.

(signed) John G. Leiber,
 Notary Public.

(Seal).

I, the undersigned, being duly sworn, state, that as stenographer to the Commission to the Five Civilized Tribes I copied the above and foregoing, and that the same is a true copy of the original.

Mattie Ed. Smith

Sworn to and Subscribed before me this
 7th day of December, 1903.

Edward M. Smith, P.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Ind.Ter., February 9, 1903.

SUPPLEMENTAL TESTIMONY In the matter of the application of Sarah E. Brown for the enrollment of her minor nephew, Jesse Durant, as a Creek freedman.

APPEARANCES: Arthur P. Murphy, Attorney for the Creek Nation.

ALEX SANGO, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Alex Sango, but I signs it A.G.W.Sango.
Q What is your age? A Thirty-five.
Q What is your post office address? A Muskogee.
Q Are you a citizen of the Creek Nation? A Yes, sir.
Q Do you know Jesse Durant? A Yes, sir.
Q Can you identify this man here (Indicating bystander) as Jesse Durant? A Yes, sir.
Q What is the name of his father? A Unip Durant is what we called him; his name might be Enoch.
Q Is his father living? A No, sir.
Q How long has he been dead? A About two years.
Q What is the name of Jesse Durant's mother? A Mary.
Q Is she living? A No, she is dead.
Q How long has she been dead? A I wouldn't try to swear that; she has been dead sometime, but I wouldn't--I don't know just how many year she has been dead.
Q Was she a citizen of the Creek Nation? A No, sir.
Q Was she a citizen of any nation in the Indian Territory?
A I don't know; she claimed to be a Cherokee.
Q Did she live here in the Creek Nation? A Yes, sir.
Q Did you know her personally? A Yes, sir; I knew her personally.
Q Was she married to Unip Durant? A Yes, sir; that was my understanding; they were living together when I was quite young, and that was the understanding, that they were married; of course I wasn't at the wedding.
Q Did you know Unip Durant before Jesse was born? A Yes, sir.
Q Was Jesse born while Unip was living with Mary? A Yes, sir.
Q Unip Durant was a recognized citizen of the Creek Nation?
A Yes, sir.
Q How long has Jesse lived here in the Creek Nation? A Why he is living here, all his life, made this his home, I suppose; he is here all the time, most of the time.
Q You can swear positively that Unip Durant is the father of Jesse Durant? A I can't swear that; I can swear that Unip Durant claimed him as his son; I can't swear absolutely that he is his father; I couldn't swear that about my own.
Q Well Unip Durant claimed him as his son? A I can swear as to the resemblance of him to Unip Durant; but people sometimes resemble who are no kin, you know.
Q Did he live with his father up to the time his father died?
A He was mostly with Mrs. Brown. His father didn't live there all the time. He was there when he died, of course.
Q Do you know whether he father cared and provided for him?
A I think Mrs. Brown provided for him mostly.

Alex Sango, witness.

Examination by the Commission.

Q What was the trouble that Jesse didn't live with his father?
A Why he lived with his aunt. I don't know of any trouble, but lots of times these people live with their kin folks--my little girl lives with my sister.

EXAMINATION BY ARTHUR P. MURPHY, Attorney for the Creek Nation.

Q How long have you known him? A I think I can say that I have known him ever since he was a child.

Q Did he ever live with his father? A Well, his father lived here, that is, his father lived here part of the time, and he lived with his father, but he lived with his aunt most of the time.

Q With his aunt most of the time? A Yes, sir; most of the time.

Q How long do you say his father has been dead? A He has been dead about two years; his mother died before his father, and he married again.

Q He is the only Unip Durant that you know in the Creek Nation?

A Yes, sir; he is the only Unip Durant I know.

Q Do you know of any other Jesse Durant? A No, I think Unip had a brother by the name of Jesse, but I think he died before my time. I think I heard him speak of him.

Witness excused.

DAVE ROBERTS, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

Q What is your full name? A David Roberts.

Q What is your age? A About forty-four.

Q What is your post office address? A Muskogee.

Q Do you know Jesse Durant? A Yes, sir.

Q Is this man here (indicating bystander) Jesse Durant? A Yes, sir.

Q Do you know the names of his father and mother? A Yes, sir.

Q What is the name of his father? A Unip Durant.

Q Is Unip Durant living? A No, sir; he is dead.

Q What is the name of Jesse's mother? A Mary.

Q Mary Durant, was it? A Yes, sir; Mary Durant.

Q Is she living? A No, sir; she is dead.

Q She was not a citizen of the Creek Nation? A No, sir; she was not a citizen of the Creek Nation.

Q How long have you known this Jesse Durant? A Jesse Durant--well I have been knowing him all of his life.

Q Was Unip Durant and Mary married? A Yes, sir; they were living together.

Q Did they live together? A Yes, sir; they lived together.

Q How long did they live together? A Well, I couldn't tell you just exactly how long they lived together.

Q Was this Jesse Durant born to Mary while Unip was living with her? A Yes, sir.

Q Did Unip Durant recognized Jesse Durant here (indicating bystander who has been recognized by witness as Jesse Durant) as his son?
A Yes, sir.

Q Did Jesse ever live with his father? A Yes, sir; he lived with his father and Mrs. Brown.

Q About how long did he live with his father? A Well, I couldn't tell you that just exactly how long.

Q Well I mean about how long? A Oh, I will guess at it, as far as I know, I guess, off and on, he just lived with him, you are speaking of, three or four years, I guess, to my knowings. Of course, he staid with his father a while, then with Mrs. Brown, they lived along together.

3 Jesse Durant.

Dave Roberts, witness.

Examination by the Commission.

Q Where did Mary die? A I couldn't tell you that just exactly.
Q Did Jesse ever live with his mother? A With his mother--not as I know of. Of course he was living with his mother when him and Unip Durant was living together.
Q Did he go with his mother into the Cherokee Nation? A Not as I know of.

EXAMINATION BY ARTHUR P. MURPHY, Attorney for the Creek Nation.

Q How far did you live from them? A Well I guess I lived about in a mile of them.
Q All that time? A Yes, sir.
Q You were seeing them quite frequently? A Yes, sir.

Witness excused.

JESSE DURANT, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

Q What is your full name? A Jesse Durant.
Q What is your age? A About seventeen.
Q What is your post office address? A Muskogee.
Q What is the name of your father? A Unip Durant.
Q Is your father living? A No, sir.
Q Were you living with your father when he died? A I was at my aunt's when my father died.
Q How long ago did your father die? A About two years.
Q Did you ever live with your father? A Yes, sir.
Q How long did you live with him? A About three or four years.
Q What is the name of your mother? A Mary Durant.
Q Is she living? A No, sir.
Q How long has she been dead? A I don't know, sir, how long she has been dead.
Q Did you ever live with your mother? A When I was staying with my dad I was.
Q When you were staying with your father, you mean? A Yes, sir.
Q Where do you live now? A I stay with my aunt.
Q What is your aunt's name? A Sarah Brown.
Q How long have you lived with your aunt? A I have been staying a long while.
Q Well how did you come to be living with your aunt? A I was just staying there.
Q Did your father always live in the Creek Nation? A Yes, sir.
Q Was your mother living in the Creek Nation when she died?
A No, sir; I don't think she was.
Q Did you ever see your mother? A Not as I know of.
Q Have you been living some in the Cherokee Nation? A I have been up there, but I didn't make my home up there.
Q How long did you live up there at any one time? A I staid up there three and four months--I used to work up there on the railroad.
Q You always lived with your father and mother until you were about four years old? A Yes, sir.
Q How did you come to leave your father and go somewhere else and live? A I don't know.
Q Did you have an uncle by the name of Jesse Durant? A Yes, sir.
Q Is he living? A No, sir; he aint living.
Q How long has he been dead? A I don't know, sir, how long he has been dead.

4 Jesse Durant.

Jesse Durant, witness.

Examination by the Commission.

- Q Did you know him? A Yes, sir.
Q Did he live near you when he died? A No, sir.
Q Can you recollect about how long ago he died? A No, sir; I don't know how long he has been dead, I can't recollect.
Q You knew him though? A Yes, sir.

EXAMINATION BY ARTHUR P. MURPHY, Attorney for the Creek Nation.

- Q How long ago has it been since you staid up there in the Cherokee Nation about three or four months, that you talked about? A It was last year.
Q Were you living with your mother then? A My mother was dead then.
Q Did you ever see your uncle, Jesse Durant? A Yes, sir.
Q How long ago since you seen him? A I can't recollect; it has been a good little while.
Q You remember him, do you? A Yes, sir.
Q Did you have any other uncles? A Yes, sir.
Q Who were they? A Will Durant, Phillip Durant, Stephen Durant.
Q Did you have any aunts? A Yes, sir.
Q Who were they? A Sarah Durant, and aunt Bet Durant; that's all I knows of.
Q That is all the aunts you ever had? A I think I have some more, but I have forgot their names.
Q That is all you know of? A Yes, sir.

Witness excused.

Oliver C. Hinkle, being first duly sworn, upon his oath states, that, as stenographer for the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause on February 9, 1903, and that the above is a full, true and correct transcript of his stenographic notes thereof.

Oliver C. Hinkle

Sworn to before me this 21st day of February, 1903, at Muskogee, Indian Territory.

John G. Lieber
Notary Public.

FILED
OCT 13 1904
COMMISSION TO FIVE TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 13, 1904.

IN THE MATTER of the application of John Rider for enrollment as a Cherokee Freedman.

.....

I. P. BLEDSOE being first duly sworn testifies as follows:
BY THE COMMISSION:

- Q What is your name? A I. P. Bledsoe.
Q What is your postoffice address? A Choteau.
Q How old are you? A 57.
Q Are you acquainted with a colored man by the name of John Rider?
A Yes, sir.
Q He has a half sister by the name of Bertha? A Yes, sir.
Q Where does John Rider live? A He lives in Muskogee.
Q Does John Rider go by any other name than John Rider? A Yes, sir
John Durant and Jesse Durnat, sometimes called both names.
Q Then John Rider and Jesse Durant are one and the same person?
A Yes, sir.
Q Do you know whether or not John Rider made application for enrollment as a Creek Freedman? A I don't know of my own knowledge, but his uncle and guardian both told me he had been enrolled as a Creek and gotten his land and money in the name of Jesse Durant.
Q About what age man is John Rider? A Well, just about 21 I reckon, he has been a minor until here recently.
Q You have been the Attorney or Agent for John Rider in his application before this Commission for enrollment as a Cherokee Freedman? A Yes, sir.
Q And you are well acquainted with John Rider? A Yes, sir. I am well acquainted with him and all his folks.
Q What is the name of his father? A Enoch or Jesse Durant.
Q What is his mother's name? A Mary Choteau.
Q Was Mary Choteau a Cherokee Freedman? A Yes, sir. She was the mother of this Jesse Durant or John Rider and Bertha Rider.

WITNESS EXHIBED.

.....

Opal Griggs being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she reported the above and foregoing proceedings had on the 13th day of December, 1904, and that the above is a true and correct transcript of her stenographic notes thereof.

Opal Griggs

Subscribed and sworn to before me this 13 day of December, 1904.

Charles H. Johnson
Notary Public.

864

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-000-

In the matter of the application for the enrollment of
John Rider, as a Cherokee Freedman.

---: D E C I S I O N :---

It appears from the record herein that on September 12, 1901, Eli Cheuteau appeared before this Commission, at Fort Gibson, Indian Territory, and made application for the enrollment of himself, his nephew, John Rider, and his niece, Bertha Rider, as Cherokee Freedmen. Additional proceedings were had in the matter of said application, at Muskogee, Indian Territory, on May 31, 1902, and December 13, 1904. Copies of the testimony, taken at Muskogee, Indian Territory, on June 23, 1902, and February 9, 1903, in the matter of the application for the enrollment of Jesse Durant, as a Creek Freedman, is filed herewith and made a part of the record in this case. The applications of Eli Cheuteau and Bertha Rider being differently classified are not included in this decision.

It appears from the records of the Commission that the name of the applicant, John Rider (as Jesse Durant) appears as No. 5367 upon a list prepared by this Commission of persons entitled to enrollment as Creek Freedmen, and approved by the Secretary of the Interior December 1, 1903.

The record herein further shows that on April 7, 1903, an allotment of lands in the Creek Nation was selected for said applicant, and that on June 2, 1904, deeds to said lands were accepted by him.

Section 28 of the Act of Congress approved July 1, 1902, (32 Stats., 716), provides:-

"No person whose name appears upon the roll made by the Dawes Commission, as a citizen or freedman of any other tribe, shall be enrolled as a citizen of the Cherokee Nation."

It is therefore the opinion of this Commission that the application made for the enrollment of John Rider, as a Cherokee Freedman, should be denied under the provisions of law above quoted, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.

Commissioner.


Commissioner.

Muskogee, Indian Territory,

MAY 10 1905

Cherokee Freedmen
D-1048

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-000-

In the matter of the application for the enrollment of
Bertha Rider, as a Cherokee Freedman.

O R D E R.

It appears from the record in this case that on September
12, 1901, Eli Chouteau appeared before this Commission, at Fort
Gibson, Indian Territory, and made application for the enrollment
of Bertha Rider (14 years old), as a Cherokee freedman.

The evidence in said case shows that Bertha Rider is a
daughter of Mary Rider, a Cherokee Freedman, and Tony Rider, a
Cherokee Freedman, whose name (as Tony Rider) appears upon the 1880
Authenticated Cherokee Roll.

The evidence further shows that Bertha Rider has resided
continuously in the Cherokee Nation from the date of her birth up
to and including the date of this application.

It is therefore ordered that the name of the applicant,
Bertha Rider, be transferred from Card, Cherokee Freedmen D-1048
to Card, Cherokee Freedmen 1137.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Commissioner.

Muskogee, Indian Territory,

APPROVED

29.19

Creek 214.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Jesse Durant as a Creek Freedman.

--- D E C I S I O N. ---

The record in this case shows that on June 23, 1902, Sarah
E. Brown appeared before the Commission at Muskogee, Indian Terri-
tory, and made application for the enrollment of her minor nephew,
Jesse Durant, as a Creek Freedman. Further proceedings in the mat-
ter of said application were had at Muskogee, Indian Territory, on
February 9, 1903.

The evidence shows that the said Jesse Durant is identi-
fied on the 1890 authenticated tribal roll of the Creek Nation, and
on the 1895 pay roll of said Nation.

The evidence further shows that the said Jesse Durant has
resided in Indian Territory all his life.

It is therefore the opinion of this Commission that the
said Jesse Durant should be enrolled as a Creek Freedman in accord-
ance with the provisions of the Act of Congress approved June 28,
1890 (29 Stats., 321), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Dated at Muskogee, Indian Territory,
this 17 day of March, 1903.

LETTERS OF GUARDIANSHIP.

Cherokee Nation, I. T., }
Coccossecooee District. }

{ Office District Judge,
{ Coccossecooee District.

To Whom It May Concern:

KNOW YE, That I, WATT STARR, Judge of Coccossecooee District and Nation aforesaid, do, by virtue of authority vested in me by law, this day make, constitute and appoint in the name and by the authority of the Cherokee Nation Eli Choteau as Guardian of John and Bertha Rider minor children of Mary Rider deceased, late of Coccossecooee District, Cherokee Nation, the said Eli Choteau having complied with and performed all duties required by law of His precedent to this appointment.

In testimony whereof I hereunto set my hand on this the 5th day of Aug A. D., 1897

Watt Starr
Judge District Court.

Attest: Joe M. Lahay
Clerk Coccossecooee District.

Muskegee, I. T., July 24, 1902.

I, H. M. Vance, as stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above is a true and correct copy of the original Letters of Guardianship now on file in the office of the Commission.

H. M. Vance

Cherokee Freedmen D 1048.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
John Rider and Bertha Rider as Cherokee Freedmen.

S U P P L E M E N T A L S T A T E M E N T .

An examination of the 1893 census roll of Cherokee Freedmen
shows that the applicants are identified thereon as follows:

Page 5, Cooweescoowee District, #123, John Durant, age 10, male.

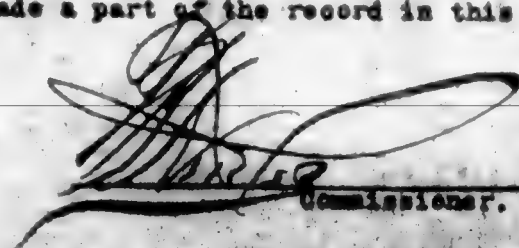
Page 5, Cooweescoowee District, #124, Bertha Rider, age 6,
female.

An examination of the 1880 authenticated roll of Cherokee Freed-
men shows, also, that John Choteau and Tobe Choteau, brothers of
Mary Rider (nee Choteau) are identified thereon as follows:

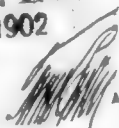
Page 87, Cooweescoowee District, #711, John Choteau, age 19.

Page 87, Cooweescoowee District, #712, Tobe Choteau, age 17.

Copies of this statement are made a part of the record in this
case.


Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 24 1902



ACTING CHAIRMAN.

7191045

Murphy 23 5/20/02

Received from the Commission to the Five Civilized Tribes one copy of the testimony in the
matter of the application of

John Rides et al
for enrollment as Freedmen Citizens of the Cherokee Nation.

Cherokee File No. 1045

J. P. Shessee
Agent.

COPY.

Cherokee Freedmen
D-1045.

Muskogee, Indian Territory, December 7, 1903.

John Rider,

Inola, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of yourself and others, as Cherokee freedmen, you are advised that before your application will be complete it will be necessary for you to introduce testimony tending to show whether you are the same person listed for enrollment by the Commission as a Creek freedman, under the name of Jesse Durant.

You are hereby directed to appear before the Commission, at its offices in Muskogee, Indian Territory, on Thursday, December 17, 1903, at nine o'clock A. M., and introduce testimony covering the points above mentioned.

Respectfully,

(SIGNED) *Tams Dixby*
Chairman.

COF

Cherokee Freedmen
D-1045.

Muskogee, Indian Territory, December 7, 1903.

I. P. Bledsoe,
Agent For John Rider et al.,
Chouteau, Indian Territory.

Dear Sir:

In the matter of the application of John Rider for enrollment as a Cherokee freedman, you are advised that before his application will be complete it will be necessary for him to introduce testimony tending to show whether he is the same person listed for enrollment by the Commission as a Creek freedman, under the name of Jesse Durant.

The applicant has, therefore, been directed to appear before the Commission, at its offices in Muskogee, Indian Territory, on Thursday, December 17, 1903, at nine o'clock A. M., and introduce testimony covering the points above mentioned.

Respectfully,

(SIGNED)

Tames Dixby

Chairman.

COPY.

Cherokee Freedmen
D-1045.

Muskogee, Indian Territory, December 7, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of John Rider for enrollment as a Cherokee freedman, you are advised that the applicant has been notified to appear before the Commission, at its offices in Muskogee, Indian Territory, on Thursday, December 17, 1903, at nine o'clock A. M., and introduce testimony tending to show whether he is the same person listed for enrollment by the Commission as a Creek freedman, under the name of Jesse Durant.

The Cherokee Nation will be permitted to appear on that date and introduce testimony in rebuttal upon the points above mentioned.

Respectfully,

SIGNED: *Fame Bixby.*
Chairman.

(COPY)

Choteau, Ind. Tery.

Dec. 26th 1903.

Dear Sirs:

Will the land office open at Tahlequah I. T. on January 4th 1904 for filing--I have written all my clients as soon as I receive notice from you & as yet not an answer have I recd. from any of them-- In case of John Rider or Durant Cherokee Freedman D. 1045 I think from the best information I can get that he is enrolled as a Creek under the name of Jessie Durant.

In case Cherokee by blood D. 204 Dan & Sarah Stockton for their baby Effie May Stockton (or Ada Stockton, whose birth affidavit was lost or misplaced & they had to file additional evidence in the case. Please let me know what has been done in her case. It should have been settled long ago, & they think it is my fault that it has not been done. If you have taken no action yet please do so at your earliest convenience & greatly oblige

Your friend

(Signed) I P Bledsoe

MDG

COMMISSIONERS
TAMM DIXBY,
THOMAS B. NEEDLES
C. R. BRACKINRIDGE,
W. S. STANLEY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedman
D 1045

ALLISON L. AYLESWORTH
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 25, 1904.

John Rider,
Inela, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of yourself and your half sister, Bertha Rider, as Cherokee Freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show whether you are the same person listed for enrollment as a Creek Freedman, under the name of Jesse Burant.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Wednesday April 6, 1904, and introduce testimony as above requested.

Respectfully,



Commissioner in Charge.

COPY.

Cherokee Freedmen
D-1045.

Muskogee, Indian Territory, February 25, 1904.

I. P. Bledsoe,
Agent for John Rider et al.,
Choteau, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of John Rider et al., as Cherokee freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show whether the said John Rider is the same person listed for enrollment as a Creek freedman under the name of Jesse Durant.

The said John Rider has therefore this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Wednesday, April 6, 1904, and introduce testimony as above requested.

Respectfully,

SIGNED: *T. B. Needles*
Commissioner in Charge.

CCP.

Cherokee Freedmen
D 1048

Muskogee, Indian Territory, February 25, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of John Rider, et al., as Cherokee Freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show whether the said John Rider is the same person listed for enrollment as a Creek Freedman under the name of Jesse Durant.

The said John Rider has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Wednesday April 6, 1904, and introduce testimony as above requested.

The Cherokee nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

SIGNED:

T. B. Needles.

Commissioner in Charge.

COPY.

Cherokee Freedmen
D-1045.

Muskogee, Indian Territory, April 13, 1904.

John Rider,
Inola, Indian Territory.

Dear Sir:

The Commission is in receipt of letter of April 5, from your agent, I. P. Bledsoe, requesting a continuance in the matter of your application for enrollment as a Cherokee freedman, which case was set for further hearing at Muskogee on April 6.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Wednesday, April 27, 1904, and introduce testimony as requested in the Commission's letter to you of February 25.

Respectfully,

SIGNED: *I. E. Needles.*
Commissioner in Charge.

COPY.

Cherokee Freedmen
D-1045.

Muskogee, Indian Territory, April 13, 1904.

I. P. Bledsoe,
Agent for John Rider,
Choteau, Indian Territory.

Dear Sir:

In accordance with your request for a continuance in the matter of the application of John Rider for enrollment as a Cherokee freedman, which case was set for further hearing at Muskogee on April 6, you are advised that said John Rider has this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Wednesday, April 27, 1904, for the purpose of introducing testimony as heretofore requested.

Respectfully,

(SIGNED). *T. B. Needles.*
Commissioner in Charge.

COPY.

Cherokee Freedman
D-1045.

Muskogee, Indian Territory, April 13, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tablequah, Indian Territory.

Dear Sir:

In the matter of the application of John Rider for enrollment as a Cherokee freedman, which case was set for further hearing on April 6, you are advised that the Commission is in receipt of letter of April 5, from the applicant's agent, I. P. Bledsoe, requesting a continuance in said case.

In accordance with said request, John Rider has this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Wednesday, April 27, 1904, for the purpose of introducing testimony as heretofore requested.

The Cherokee Nation will be permitted to appear on that date and offer such testimony as it may desire, touching the points upon which the applicant has been requested to furnish testimony.

Respectfully,

SIGNED,

T. B. Needles

Commissioner in Charge

COPY.

Cherokee Freedman
D-1048.

Muskogee, Indian Territory, December 13, 1904.

Bell, Hastings & Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the testimony taken at Muskogee, Indian Territory on December 13, 1904, in the matter of the application for the enrollment of John Rider as a Cherokee Freedman.

Respectfully,

Encl. 03-49.

SIGNED:

James Bixby.

Chairman.

December 13 1904 Indian Territory, 10

RECEIVED of the COMMISSION TO THE FIVE CIVILIZED TRIBES

one copy of the testimony in Cherokee Freedman

D-1045, John Rider

I. P. Blodgett
Attorney for Applicant.

COPY

Cherokee Freedman
D-1046

Muskogee, Indian Territory, March 1, 1906.

Commission to the Five Civilized Tribes,

Creek Division.

Gentlemen:

The records of the Commission show that on September 12, 1901, application was made for the enrollment of John Rider (or Jesse Durant), as a Cherokee Freedman. Thereafter, on June 23, 1902, application was made for the enrollment of said applicant as a Creek Freedman.

The Cherokee Enrollment Division desires to be informed whether or not the application pending before your Division has been finally determined, and, if favorably, has an allotment been selected for said applicant.

Respectfully,

SIGNED

C. R. Brockinridge.

Commissioner in Charge.

Copy

Creek F-1867
Cher.F D-1045

Muskogee, Indian Territory, March 8, 1905.

Commission to the Five Civilized Tribes,
Cherokee Enrollment Division.

Gentlemen:-

In compliance with your request of March 1, 1905, you are advised that Jesse Durant is listed on Creek Freedman Card, No. 1867, and that his name is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior December 1, 1903, Roll No. 5367.

You are further advised that on April 7, 1903, an arbitrary allotment of lands in the Creek Nation was made to said Jesse Durant by the Commission.

Respectfully,

TAMS BIXBY,

Chairman.

COPY.

C.F.D.1045

Muskogee, Indian Territory, March 10, 1905.

Honorable Pleasant Porter,

Muskogee, Indian Territory.

Sir:

The Commission desires to be informed whether or not Jesse Durant, who has been finally enrolled as a Creek Freedman, and to whom deeds, Nos. 27188 and 27189, were issued by this Commission, has accepted said deeds. If so, kindly give date of acceptance.

Respectfully,

Jame Bixby.

(SIGNED).

Chairman.

Cherokee Freedman

D 1045.

Muskogee, Indian Territory, May 13, 1908.

John Rider,

Inola, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1908, rejecting the application for the enrollment of yourself as a Cherokee freedman. There has heretofore been furnished your agent, I. P. Bledsoe, Choteau, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-191
Register

(SIGNED)

Jame Dixby
Chairman.

CCF:

Cherokee Freedmen

D 1045.

Muskogee, Indian Territory, May 13, 1905.

I. P. Bledsoe,

Agent for John Rider,

Choteau, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting the application for the enrollment of John Rider as a Cherokee freedman. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. 8-138
Register

(SIGNED)

Tams Dixie
Chairman.

CCP.

Cherokee Freedmen

D 1045.

Muskogee, Indian Territory, May 13, 1908.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1908, rejecting the application for the enrollment of John Rider as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. 8-136

(SIGNED).

James Bixby.
Chairman.

COPY

Cherokee Freedmen
D 1045.

Muskogee, Indian Territory, May 13, 1908.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of John Rider as a Cherokee freedman, including the Commission's decision dated May 13, 1908, rejecting said application.

Respectfully,

Tame Fixby
Chairman,

Incl. 8-137

Through the

Commissioner of Indian Affairs.

COPY,

C.F.D. 1045

Muskogee, Indian Territory, March 18, 1905.

Honorable Pleasant Porter,
Muskogee, Indian Territory.

Sir:

The Commission desires to be informed whether or not Jesse Durant, who has been finally enrolled as a Creek freedman, and to whom deeds Nos. 27188 and 27189 were issued by this Commission, has accepted said deeds. If so, kindly give date of acceptance.

Respectfully,

(SIGNED).

Tams Bixby.

Chairman.

Land.
37635-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

May 23, 1905.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated May 13, 1905, transmitting the record of the application for enrollment as a Cherokee Freedman by John Rider.

May 13, 1905, the Commission decided adversely to the applicant.

The record shows that the applicant, John Rider, (as Jesse Durant) appears at Number 5367 of a list of Creek Freedmen approved by the Department December 1, 1903, and that he has accepted an allotment of lands in the Creek Nation.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C.F. Larrabee

Acting Commissioner.

H.M.H.
W.

D.C.12731.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

OR

WLB

I.T.D.6056-1905.

April 4, 1906.

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

June 30, 1905, the Commission to the Five Civilized Tribes transmitted the record of proceedings had in the matter of the application for the enrollment of John Rider, alias Jesse Durant, as a Cherokee freedman, including its decision dated May 13, 1905, denying said application, on the ground that the record of the Commission shows that John Rider is identical with Jesse Durant, whose name appears at No. 5367 upon the approved roll of Creek freedmen, and that on April 7, 1903, an allotment of land in the Creek Nation was selected for said applicant, and that on June 2, 1904, deeds to said land were accepted by him; that under section 28 of the act of Congress approved July 1, 1902 (32 Stat., 716), the application for the enrollment of John Rider as a Cherokee freedman was denied.

May 23, 1905, the Acting Commissioner of Indian Affairs reporting thereon, recommended that the decision of the Commission denying said application be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made, and the decision of the Commission dated May 13, 1908, denying the application for the enrollment of John Rider, alias Jesse Durant, as a Cherokee freedman, is hereby affirmed.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

1 inclosure.

Cherokee Freedmen

COPY.

D-1046.

Muskegee, Indian Territory, April 12, 1906.

Jesse Durant,

Inola, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting your application for enrollment as a Cherokee freedman was affirmed by the Secretary of the Interior on April 4, 1906.

Respectfully,

Wm O Beall
Acting Commissioner.

LS

Cherokee Freedmen

COPY.

D-1045.

Muskogee, Indian Territory, April 12, 1906.

I. P. Bledsoe,
Agent for John Rider,
Choteau, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting the application of John Rider for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on April 4, 1906.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED.

H. C. Deane
Acting Commissioner.

Incl. S-33

Cherokee Freedmen

COPY.

D-1045.

Muskogee, Indian Territory, April 12, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting the application of John Rider for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on April 4, 1906.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED.

W. O. Deane
Acting Commissioner.

Incl. 8-34

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

SEP 12 1901


ACTING CHAIRMAN

F. 18.10.45

2

CHEROKEE FREEDMEN.

Date Sept 12, 1901.
Post Office Inola, I. T.
District lewo

1. Name _____ Age _____
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:
Father _____ Citizenship _____
Mother _____ Citizenship _____

Substantive

2. Name of wife _____ Age _____
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:
Father _____ Citizenship _____
Mother _____ Citizenship _____

- | | | | | | | | | | |
|-----|--------------------|---------|---|------------|------------|-----------|-------------|--|----|
| | Names of Children: | Parents | { | John Rider | d. | | | | |
| | | | | Mary " | d. | | | | |
| 3. | John Rider | | | Year 96 | Page 415 | No. 436 | Dist. lewo | | 17 |
| 4. | Bertie " | | | Year 96 | Page 415 | No. 437 | Dist. " | | 14 |
| 5. | | | | Year _____ | Page _____ | No. _____ | Dist. _____ | | |
| 6. | | | | Year _____ | Page _____ | No. _____ | Dist. _____ | | |
| 7. | | | | Year _____ | Page _____ | No. _____ | Dist. _____ | | |
| 8. | | | | Year _____ | Page _____ | No. _____ | Dist. _____ | | |
| 9. | | | | Year _____ | Page _____ | No. _____ | Dist. _____ | | |
| 10. | | | | Year _____ | Page _____ | No. _____ | Dist. _____ | | |
| 11. | | | | Year _____ | Page _____ | No. _____ | Dist. _____ | | |
| 12. | | | | Year _____ | Page _____ | No. _____ | Dist. _____ | | |

Application made by *Eli Shortman*, Stenographer *M. J. Green*
nephew of children and legal guardian

Proof of marriage of parents required.
" " citizenship of mother "

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. John Rider,

Inola, I. T.

Cherokee-F-D-1045.

Cherokee.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

101046

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 24 1902

[Signature]
SPECIAL AGENT

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

John B. Bixby,
T. B. Needles,
C. R. Breckinridge,
Commissioners.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Opened by postmaster
Geo. H. H. H.

Advising the Bureau of the Interior
of the receipt of this letter
on April 1st 1902
at Muskogee, Ind. Ter.

Return to Writer

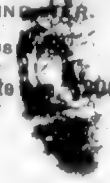
John Rider,
Inola, Indian Territory.

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

INOLA
MAR 25
1902

OFFICIAL BUSINESS
Penalty for private use \$300.



REGISTERED
MAR 25
1902
MUSKOGEE



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

APR 18 1902

Mr. John Rider,
Inola, Indian Territory.

5107

Opened by mistake

General Office, Cherokee Div.

Cher. Div. 10445

For: *Chickama*

Advising that before Commission can render a decision to appear or April 6, 1904, and introduce testimony in support of application for enrollment.

John Rider,

Return to sender

Secretary Indian Territory.



Department of the Interior.
Commissioner of the Five Civilized Tribes.

Cher. Fr. R. 741

Trans. from C. F. D. 1238

Cher. Fr. R. 741

R
Chery p 1239

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL.,
for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission,
testified as follows:

- Q What is your name? A Emmet Starr.
Q What is your age? A Thirty one years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1896 Cherokee roll,
their families and descendants:

- Q Are there any other persons for whom you desire to make appli-
cation for enrollment?
A I desire to apply for the following named persons on the 1880
Cherokee roll, their families and their descendants:

Tenah Garter, page 745, #455, Tablequah district; also
on Wallace Roll, page 72, #1847, Tablequah district.

E. C. Bagwell, on oath states that, as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings had in the above entitled cause, and that
the foregoing is an accurate transcript of his stenographic notes
thereof.

E. C. Bagwell

Subscribed and sworn to before me this 5 day of August, 1902.

[Signature]
Notary Public

R.
Cher. Freed. D-1238.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., August 22, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the enrollment of TENAH CARTER as a Freedman citizen of the Cherokee Nation.

DAVE ALBERTY, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Dave Alberty.
Q How old are you? A Fifty-six.
Q What is your post office address? A Manard, I. T.
Q You are a Cherokee Freedman, are you? A Yes sir.
Q Do you know Tenah Carter? A Yes sir.
Q She is a Freedman? A She is a Freedman of the Creek Nation.
Q What is her post office address? A I don't know what it is. They live out on Cave Creek west of Muskogee.
Q Is Tenah Carter married? A I never seen her since she was married. They say she is married. Her daddy told me she is married.
Q You don't know her husband's name? A No sir, I don't.
Q Is she enrolled as a citizen of the Creek Nation? A Yes sir.
Q She does not claim citizenship in the Cherokee Nation?
A Not any more.
Q Has she a younger brother named George? A Yes sir.
Q Is he also a citizen of the Creek Nation? A Yes sir.
Q Do you know his present post office address? A No sir, I don't. I don't know none of their post office addresses. It is between Fort Gibson and Muskogee. They live out there.
Q Do you know whether either of these children, Tenah or George, have any improvements in the Cherokee Nation? A No sir, they have no improvements.
Q What is the name of their father? A Wels Carter.
Q Is he living? A Yes sir, he is living out there.
Q Out in the Creek Nation? A Yes sir.
Q What is the name of their mother? A Mollie.
Q Is she living? A Yes sir, she is living.
Q Does she reside in the Creek Nation? A Yes sir, she resides in the Creek Nation.

This testimony will be filed with and made a part of the record in the case of Tenah Carter, Cherokee Freedman D-1238, and also in the case of George Carter, Cherokee Freedman D-1239.

1880 authenticated roll of citizens of the Cherokee Nation examined, and applicant identified thereon as follows:

P.745 No. 455, Tenah Carter, Tahlequah District, age 2.

Page 745, #456, George Carter, Tahlequah District, age 8 mos.

Wallace Roll of Freedmen of Cherokee Nation examined, and applicants identified thereon as follows:

Page 72, #1547, Tenah Carter, Tahlequah District.

Page 72, #1548, George Carter, Tahlequah District.

Q About how old is Tom's sister now? I don't know. It has been a long time since I saw her. They left from where I live, and moved into the Creek Nation.

Q She is a young woman? A She is married, yes sir, she is a young woman.

Q Is George younger than Tom? A Yes sir, George is younger than Tom.

Mr. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 4th day of September, 1902.

John Ross
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

A. A. M.
L. B. N.

In the matter of the application for the enrollment of
Tenah Carter, now Rentic, et al., as Cherokee Freedmen, consoli-
dating the applications of:

Tenah Carter (now Rentic), Cherokee Freedman D-1238,
George Carter, Cherokee Freedman D-1239.

--:--

D E C I S I O N.

The record herein shows that on June 30, 1902, Romet Starr appeared before the Commission at Muskogee, Indian Territory, and made applications for the enrollment of Tenah Carter, now Rentic, and George Carter, as Cherokee Freedmen.

The record further shows that the applicants, Tenah Carter, now Rentic, and George Carter, are included in a partial roll of Creek Freedmen approved by the Secretary of the Interior, March 13, 1902, at Numbers 982 and 998, respectively, and that allotment of lands in said Nation have been made to, and accepted by, them.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Tenah Carter, now Rentic, and George Carter, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) *Terns Dixby.*

Chairman

(SIGNED) *T. B. Needles.*

Commissioner

(SIGNED) *J. R. Breckinridge.*

Commissioner

Dated at Muskogee, Indian Territory,

this MAY 1905

Cherokee Freedman
D-1258

Muskogee, Indian Territory, November 21, 1904

Commission to the Five Civilized Tribes,
Creek Enrollment Division,
Muskogee, Indian Territory.

Gentlemen:

The records of the Cherokee Enrollment Division show that application has been made for the enrollment of one Tina Carter, now Rentie, as a Cherokee freedman. The records further show that said Tina Carter (Rentie), is entitled to be enrolled as a Creek freedman.

It is requested that the Cherokee Enrollment Division be advised whether or not this party has applied to be enrolled as a Creek, either as a freedman or by blood, and if her name has been placed on the final rolls of the Creek Nation, as a citizen of said Nation, that her number be given, together with the date of the Department's approval of said rolls.

Respectfully,

James Bixby

Chairman.

(C O P Y)

J.J.B

Creek F-276.

Muskogee, Indian Territory, November 22, 1904.

Commission to the Five Civilized Tribes,

Cherokee Enrollment Division.

Gentlemen:

Referring to Cherokee D. 1238 and your letter of November 21, you are advised that the name of Tena Kentie is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior March 13, 1902, No. 995.

You are further advised that it appears that the father of said Tena Kentie is Nelson Carter, a Cherokee, and her mother is Mollie Carter, a Creek Freedman.

Respectfully,

(Signed)

Tams Bixby
Chairman.

C. P. D. 1238
Creek F. 274

Muskogee, Indian Territory, February 11, 1908.

Commission to the Five Civilized Tribes,
Creek Department,
Muskogee, Indian Territory.

Gentlemen:

You are respectfully requested to advise the Cherokee Enrollment Division whether or not one Tena Rentic, whose name appears upon a partial list of Creek freedmen approved by the Secretary of the Interior March 13, 1902, No. 995, has, either in person or by attorney, selected and filed upon her allotment of land in the Creek Nation, and if such filing has been made, was it done voluntarily or arbitrarily.

Respectfully,

Chairman

Muskogee, Indian Territory, February 14, 1903

Commission to the Five Civilized Tribes,
Cherokee Enrollment Division,
General Office.

Gentlemen:

Your file No. C.F.D. 1238, Creek F. 276. The records
of the Creek Allotment Division show that an allotment of land
in the Creek Nation was personally selected by Tena Rentie,
Freedman Roll No. 995.

Respectfully,

(SIGNED)

TAMS BIXBY
Chairman

COPY

Cherokee Freedman

D 1238.

Muskogee, Indian Territory, May 13, 1906.

Jenah Bentie,

Lee, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for your enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated May 13, 1906, rejecting, among others, your said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) *Tams Dixby.*
Chairman.

Incl. 3-141
Register

COPY.

Cherokee Freedmen

D 1238, et al.

Muskogee, Indian Territory, May 13, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting the applications for the enrollment of Tenah Rentie, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-143

(SIGNED) *James E. Kirby*
Chairman.

COPY.

Cherokee Freedmen
D 1238, et al.

Muskogee, Indian Territory, May 13, 1905.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Tenah Rentie, et al., including the Commission's decision dated May 13, 1905, rejecting the applications for the enrollment of Tenah Rentie and George Carter as Cherokee freedmen.

Respectfully,

Incl. S-144

Through the

Commissioner of Indian Affairs.

SIGNED:

Tame Bixby
Chairman.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. May 23, 1905.

Land.
37656-1905.

The Honorable,
The Secretary of the Interior,

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated May 13, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Tenah Carter, now Rentic, and George Carter.

May 13, 1905, the Commission decided adversely to the applicants.

The records show that Tenah Carter, now Rentic, and George Carter are included in a partial roll of Creek Freedmen approved by the Department March 13, 1902, at Nos. 982 and 995 respectively, and that they have accepted allotments of land in the Creek Nation.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.
V.

COPY

D. C. 12729-1906.
I.T.D. 8060-1905.
LRS

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

G. R.
LLE

April 4, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

May 13, 1905, the Commission to the Five Civilized Tribes transmitted the record of proceedings had in the consolidated case of Tenah Rentie, et al., including its decision dated May 13, 1905, rejecting the applications for the enrollment of Tenah Rentie and George Carter as Cherokee freedmen, on the ground that it appears from the record therein that the applicants, Tenah Carter, now Rentie, and George Carter, are included in the partial roll of Creek freedmen approved by the Secretary of the Interior March 13, 1902, at Nos. 982 and 995, respectively, and that allotments of land in said nation have been made to said applicants and accepted by them.

May 23, 1905, the Acting Commissioner of Indian Affairs reporting thereon, recommended that the decision of the Commission rejecting said applications, be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made, and the decision of the Commission dated May 13, 1905, rejecting the

applications for the enrollment of Tenah Carter, now Rennie,
and George Carter as Cherokee Freedmen, is hereby affirmed.

Respectfully,

Thos. Ryan,

First Assistant Secretary

1 inclosure.

Cherokee Freedmen

D-1238, et al.

Muskogee, Indian Territory, April 12, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1906, rejecting the application for the enrollment of Tenah Carter, now Rentie, and George Carter as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 4, 1906.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. B-37

Acting Commissioner.

Cherokee Freedmen

COPY.

D-1238.

Muskogee, Indian Territory, April 12, 1906.

Tenah Rentie;

Lee, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting, among others, the application for your enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on April 4, 1906.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED.

Mrs. Beall
Acting Commissioner.

Incl. S-36

Cher. Fr. R. 742

Trans. from C.F.D. 1239

Cher. Fr. R. 742

R
Cher F D 1830

Department of the Interior,
Commission to the Five Civilized Tribes,
Washketa, I. T., June 30, 1902.

In the matter of the application of JAMES BULLETT, ET AL.,
for enrollment as citizens of the Cherokee Nation:

EMMET STARR, being duly sworn and examined by the Commission,
testified as follows:

- Q What is your name? A Emmet Starr.
Q What is your age? A Thirty six years.
Q What is your post office address? A Claremore, I. T.
Q Are you a citizen by blood of the Cherokee Nation?
A Yes sir, I am.
Q For whom do you desire to make application for enrollment?
A For the following named persons on the 1886 Cherokee roll,
their families and descendants:

- Q Are there any other persons for whom you desire to make appli-
cation for enrollment?
A I desire to apply for the following named persons on the 1880
Cherokee roll, their families and their descendants:

George Carter, page 745, #456, Tahlequah district, also
on Wallace roll, page 72, #1848, Tahlequah district.

E. C. Bagwell, on oath states that, as stenographer to the
Commission to the Five Civilized Tribes, he correctly recorded the
testimony and proceedings had in the above entitled case, and that
the foregoing is an accurate transcript of his stenographic notes
thereof.

Subscribed and sworn to before me this 5th day of August, 1902.

E. C. Bagwell
Notary Public,
Claremore, I. T.

Received and sent to the office of the Secretary of the Treasury, 1902.

[Handwritten signature]
Secretary of the Treasury

The receipt and complete discharge of the amount of the notes hereunder is hereby acknowledged in full and the same are hereby returned to the Commission on the Part of the United States for collection received by the Commission, being first duly shown by the said Commission.

Witness my hand and seal of office at the City of Washington, this 15th day of August, 1902.

George F. Baker, Secretary of the Treasury

Also known as *[illegible]*. The same is returned to the said *[illegible]* and the same is hereby acknowledged in full and the same are hereby returned to the Commission on the Part of the United States for collection received by the Commission, being first duly shown by the said Commission.

Filed Sept 13 1902

Exp 1234

To be filed with Cher. Fr. D-1239.

R.
Cher. Fr. D-1238.

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., August 22, 1908.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the enrollment of TENAH CARTER as a Freedman citizen of the Cherokee Nation.

DAVE ALBERTY, being first duly sworn, and being examined, testified as follows:

BY COMMISSIONER: What is your name? A Dave Alberty.
Q How old are you? A Fifty-six.
Q What is your post office address? A Wanaud, I. T.
Q You are a Cherokee Freedman, are you? A Yes sir.
Q Do you know Tenah Carter? A Yes sir.
Q She is a Freedman? A She is a Freedman of the Creek Nation.
Q What is her post office address? A I don't know what it is. They live out non Cave Creek, west of Muskogee.
Q Is Tenah Carter married? A I never seen her since she was married. They say she is married. Her daddy told me she is married.
Q You ~~know~~ don't know her husband's name? A No sir, I don't.
Q Is she enrolled as a citizen of the Creek Nation? A Yes sir.
Q She does not claim citizenship in the Cherokee Nation?
A Not any more.
Q Has she a younger brother named George? A Yes sir.
Q Is he also a citizen of the Creek Nation? A Yes sir.
Q Do you know his present post office address? A No sir, I don't. I don't know none of their post office addresses. It is between Fort Gibson and Muskogee. They live out there.
Q Do you know whether either of these children, Tenah or George, have any improvements in the Cherokee nation? A No sir, they have no improvements.
Q What is the name of their father? A Nels Carter.
Q Is he living? A Yes sir, he is living out there.
Q Out in the Creek Nation? A Yes sir.
Q What is the name of their mother? A Mollie.
Q Is she living? A Yes sir, she is living.
Q Does she reside in the Creek Nation? A Yes sir, she resides in the Creek Nation.

This testimony will be filed with and made a part of the record in the case of Tenah Carter, Cherokee Freedman D-1238, and also in the case of George Carter, Cherokee Freedman D-1239.

1880 authenticated roll of citizens of the Cherokee Nation examined, and applicants identified thereon as follows:

Page 745, #455, Tenah Carter, Tahlequah District, age 2.

Page 745, #456, George Carter, Tahlequah District, age 3 mos.

Wallace Roll of Freedman of the Cherokee nation examined, and applicants identified thereon as follows:

Page 72, #1547, Tenah Carter, Tahlequah District.

Page 72, #1548, George Carter, Tahlequah District.

Q About how old is your father now? A I don't know. It has been a long time since I saw him. They left from where I live and moved into the Greek Nation.

Q She is a young woman? A She is married, yes sir, she is a young woman.

Q Is George younger than Susan? A Yes sir, George is younger than Susan.

Mr. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Wm. Hutchinson

Subscribed and sworn to before me this 4th day of September, 1902.

John Ross
Notary Public.

A. Y. No.
D. C. L.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Tenah Carter, now Rentie, et al., as Cherokee Freedmen, consol-
idating the applications of:

Tenah Carter (now Rentie), Cherokee Freedman D-1238,
George Carter, Cherokee Freedman D-1239.

-: D E C I S I O N :-

The record herein shows that on June 30, 1902, Emmet
Starr appeared before the Commission at Muskogee, Indian Territory,
and made applications for the enrollment of Tenah Carter, now
Rentie, and George Carter, as Cherokee Freedmen.

The record further shows that the applicants, Tenah
Carter now Rentie, and George Carter, are included in a partial
roll of Creek Freedmen approved by the Secretary of the Interior,
March 13, 1902, at Numbers 282 and 295, respectively, and that
allotment of lands in said Nation have been made to, and accepted
by, them.

It is, therefore, the opinion of this Commission that
the applications for the enrollment of Tenah Carter, now Rentie,
and George Carter, as Cherokee Freedmen, should be denied, under
the provisions of section twenty-one of the Act of Congress approved
June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tang Dixby
Chairman.

(Signed) T. E. Needles
Commissioner.

(Signed) C. R. Franklin
Dated at Muskogee, Indian Territory, Commissioner.

This MAY 15 1902

Cherokee Freedmen
D-1239

Muskogee, Indian Territory, November 21, 1904

Commission to the Five Civilized Tribes,
Creek Enrollment Division,
Muskogee, Indian Territory.

Gentlemen:

The records of the Cherokee Enrollment Division show that application has been made for the enrollment of one George Carter as a Cherokee freedman. The records further show that said George Carter is entitled to be enrolled as a Creek freedman.

It is requested that the Cherokee Enrollment Division be advised whether or not this party has applied to be enrolled as a Creek, either as a freedman or by blood, and if his name has been placed on the final rolls of the Creek Nation, as a citizen of said Nation, that his number be given, together with the date of the Department's approval of said roll.

Respectfully,

Tame Dixby.
Chairman.

J. J. B.

(C O P Y)

Creek F-274.

Muskogee, Indian Territory, November 22, 1904.

Commission to the Five Civilized Tribes,
Cherokee Enrollment Division.

Gentlemen:

Referring to Cherokee Freedman D. 1239 and your letter of November 21, you are advised that the name of George Carter, son of Nelson Carter, a Cherokee, and Mollie Carter, a Creek Freedman, is contained in the partial list of Creek Freedmen approved by the Secretary of the Interior March 13, 1902, No. 982.

Respectfully,

(Signed)

Tams Bixby
Chairman

C.F.D. 1239
Creek P. 274

Muskogee, Indian Territory, February 11, 1905

Commission to the Five Civilized Tribes,
Creek Department,
Muskogee, Indian Territory.

Gentlemen:

You are respectfully requested to advise the Cherokee Enrollment Division whether or not one George Carter, whose name appears upon a partial list of Creek freedmen approved by the Secretary of the Interior March 13, 1902, No. 982, has, either in person or by attorney, selected and filed upon his allotment of land in the Creek Nation, and if such filing has been made, was it done voluntarily or arbitrarily.

Respectfully,

Chairman

Muskogee, Indian Territory, February 14, 1906

Commission to the five Civilized Tribes,
Cherokee Enrollment Division,
general office.

Gentlemen:

Your file No, C. . D. 1239, Creek F. 274. The records
of the Creek Allotment Division show the allotment of George
Carter, a minor, Creek Freedman Roll No. 982, to have been selected
by his mother, Mollie Carter.

Respectfully,

(SIGNED) TAMS BIXBY
Chairman

COPY:

Cherokee Freedmen

D 1259.

Muskogee, Indian Territory, May 13, 1905.

George Carter,

Lee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for your enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated May 13, 1905, rejecting, among others, your said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. 8-142
Register

(SIGNED)

James Bixby
Chairman.

COPY.

Cherokee Freedmen
D 1232, et al.

Muskogee, Indian Territory, May 13, 1905.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Tenah Rentie, et al., including the Commission's decision dated May 13, 1905, rejecting the applications for the enrollment of Tenah Rentie and George Carter as Cherokee freedmen.

Respectfully,

(SIGNED) *Tame Bixby*
Chairman,

Incl. 8-144

Through the

Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, May 23, 1905.

Land,
37656-1905.

The Honorable,
The Secretary of the Interior,

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated May 13, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Tenah Carter, now Rentie, and George Carter.

May 13, 1905, the Commission decided adversely to the applicants.

The records show that Tenah Carter, now Rentie, and George Carter are included in a partial roll of Creek Freedmen approved by the Department March 13, 1902, at Nos. 982 and 995 respectively, and that they have accepted allotments of land in the Creek Nation.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner,

H.M.M.
V.

COPY

D. C. 12729-1906.
I. T. D. 6060-1905.
LRS

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

G. R.
LLB

April 4, 1906.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

May 13, 1905, the Commission to the Five Civilized Tribes transmitted the record of proceedings had in the consolidated case of Tenah Rentie, et al., including its decision dated May 13, 1905, rejecting the applications for the enrollment of Tenah Rentie and George Carter as Cherokee freedmen, on the ground that it appears from the record therein that the applicants, Tenah Carter, now Rentie, and George Carter, are included in the partial roll of Creek freedmen approved by the Secretary of the Interior March 13, 1902, at Nos. 982 and 995, respectively, and that allotments of land in said nation have been made to said applicants and accepted by them.

May 23, 1905, the Acting Commissioner of Indian Affairs reporting thereon, recommended that the decision of the Commission rejecting said applications, be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made, and the decision of the Commission dated May 13, 1905, rejecting the

applications for the enrollment of Tenah Carter, now Bentie,
and George Carter as Cherokee freedmen, is hereby affirmed.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

1 Inclosure.

Cherokee Freedmen

COPY.

D-1239.

Muskogee, Indian Territory, April 12, 1906.

George Carter,

Lee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting, among others, the application for your enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on April 4, 1906.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

(SIGNED).

Wm O Beall
Acting Commissioner.

Incl. S-36

Cherokee Freedmen

D-1238, et al.

Muskogee, Indian Territory, April 12, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting the application for the enrollment of Tenah Carter, now Rentie, and George Carter as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 4, 1906.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. S-37

Acting Commissioner.

Cher. Fr. R. 743

Trans. from C.F.D. 802

Cher. Fr. R. 743

Mc
3250

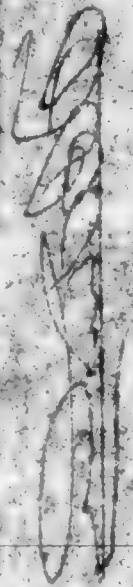
Director of the Bureau

Special Agent in Charge

COMMISSION TO THE FIVE
FILED
JUL 19 1901



NOTING CHAIRMAN



Director of the Bureau

RECEIVED

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 21st, 1901.

In the matter of the application of Mariah Reynolds for the enrollment of herself and one child as Cherokee Freedman; said Reynolds being sworn and examined by Commissioner T. R. Needles, testified as follows:

- Q What is your name? A Mariah Reynolds.
Q How old are you, Mariah Reynolds? A I guess I must be about 40 I guess.
Q What is your post office address? A Tulsa.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A I got three children.
Q Are they single; any of them married? A One of them is.
Q How old is the next one? A The boy is 19.
Q What is his name? A Jehn.
Q John what? A Carter.
Q What is the next child's name? A He is 23; Wiley.
Q You haven't got but one that is under age? A Yes, sir, that is all.
Q Is your name on the roll of 1880? A It ought to be on t here.
Q Well, are you married? A Yes, sir.
Q What is your husband's name? A Peter Reynolds.
Q Is he a citizen? A No, sir; he is a state man.
Q Well, were you ever married before? A No, sir.
Q Peter Reynolds your first husband? A Yes, sir.
Q Who was the father of John Carter? A That was George Carter, of course, that was in slave times.
Q You never were married to him? A No, sir; my boys is in the Pen.
Q What is your father's name? A Henry Ridge.
Q What is your mother's name? A Susie Woodard.
Q Well, if John Carter was born in slavery times he is over 19 years old? A Yes, of course he is, I can't read or nothing.
Q You are older than 40 aren't you? A Yes, sir, I was born before the war.
Q Well, about how old are you, now; in t he neighborhood of 55 aren't you? A I guess I might be 60.

The 1880 Authenticated roll and 1896 Census Roll of Freedmen of the Cherokee Nation examined and name of applicants not found thereon.

The Wallace e Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 135, #2829, Maria Redbird, Cooweescoowee District.

- Q How did your name happen to be Redbird? A That was my Master.
Q Your Master's name you say was Henry Redbird & Thaxt Ridge?
A That was my father's name.
Q You were a slave during the war were you? A Yes, sir.
Q To whom did you belong? A Redbird Woodard.
Q Is he a Cherokee? A Yes, sir.
Q Have you got any witnesses? A Yes, sir.
Q Who are they? A Sam Webber and Ben Grinnett.
Q Did you draw the Kern Money, the strip money? A I drew the Wallace money.
Q That is all you did draw? A Yes, sir.
Q Was Redbird Woodard a Cherokee? A Yes, sir; he was down here on Grand river.
Q Where were you born? A On Grand river.
Q Cherokee Nation? A Yes, sir.
Q Well, did you go out of the Cherokee Nation during the war?
A Yes, sir.
Q Where did ye go? A I went up in Kansas.
Q What part of Kansas? A Up in Kansas, that is all I can tell

you.

Q Well, did you come back after the war? A Yes, sir.

Q When? A In '66.

Q Where did you come to? A I come on Big Creek with Sam Webber and Bill Foreman and Aunt Vioey and Moss Whitwire.

Q Well, did you marry before you get back or afterwards?

A I married afterwards.

Q Married Reynolds? A Yes, sir.

Q What was his name? A Peter Reynolds.

Q Have you been living with Peter Reynolds ever since? A Yes, sir.

Q Did you ever have children by Peter? A No, sir, none at all.

Q Your son John was born before the war was he? A During the war.

Q Now, have you lived here ever since? A Yes, sir been right here ever since.

Q Did you ever apply to have your name put on the roll of 1880?

A Yes, sir, it ought to be on there because Mr. Link Foreman took my name.

BY MR. W. V. HASTINGS, Cherokee Representative:

Q You didn't have Sam Webber before did you as a witness before the Kern-Clifton Commission? A I had Ben Grinnatt.

Q Did you or not have Sam Webber? A No, sir.

Q You didn't claim in your testimony before before the Kern-Clifton Commission that you come back with Sam Webber? A Oh, yes.

Q Did you tell the Court there that you come back when Sam Webber come? A I didn't tell them that.

Q You said before that you come back to Snow Creek, didn't you?

A Of course I come on Big Creek first and moved around and got on Snow Creek and Cedar Creek.

Q Didn't you testify before that you come back from Kansas and locate on Snow Creek? A No, sir.

Q Didn't you testify before that Esau Fox was living up there when you moved to Snow Creek? A Well, Esau Fox was living up there.

Q Did Esau Fox have a house there? A Yes, sir.

Q Who else had a house down there? A There was Jack Ross and Joe Ross, Hector Ross.

Q Did they have small fields? A Yes, sir.

Q Have corn in them? A No, sir.

Q Now, who of your family come with you? A I come with Brother Webber, my husband was all.

Q How about your children, how many children come with you, any?

A I brought two.

Q What were their names? A One was named Wiley, the other named Sandy, but he is dead.

Q Is Wiley alive now? A Yes, he is in the Pen.

Q How old is Wiley? A 33.

Q Wiley was born in Kansas was he? A No, sir, he was born here in the Cherokee Nation.

Q Before the war? A Wiley and Samuel was born right here in the Cherokee Nation.

Q Before the war? A No, sir, after the war.

Q How did you bring him down here with you if he was born after you come? A Oh, Wiley and Sammie they was born here on (Pocason Creek.

Q How did you bring them down here? A Henry, that was the one, he didn't stay with me, his father took him when I left down here, of course I brought him, his father died and Uncle Peter Hudson took him.

Q He didn't come with Uncle Peter Hudson then? A No, sir.

Q Well, did Uncle Sam Webber have a house when you come?

A He had a wall of a house fixed.

Q How long had he been living down here before you come down with him? A He come down here and looked out a location and went back after his family and then I come with him.

Q Esau Fox had a house down here? A Yes, sir.

Mariah Ray holds.--3.

- Q Peter Maigs? A Yes, sir.
- Q And Joe Reas had one? A Yes, sir.
- Q All these people were living down here when you come?
A Yes, sir.
- Q I want to find out where Redbird Woodard; that is your master's name? A Yes, sir.
- Q Where was he living? A He was living right on Honey Creek near Grand river.
- Q Do you know Webb Weir? A Yes, sir.
- Q That was a brother-in-law of his wasn't he? A Yes, sir.
- Q How far did you live from Webb? A I guess it might have been two miles or three, as well as I can remember.
- Q Did Redbird Woodard have a slave by the name of Rose?
A Yes, sir, that was my sister.
- Q Then who was you sold to? A Wasn't sold to anybody.
- Q You were living right there when the war come up?
A Yes, sir.
- Q Did you know Sam Webber before the war? A Yes, sir, knowed him a boy.
- Q Well, but him? A Yes, sir; he used to come down there.
- Q Redbird Woodward, what was his wife's name? A Eliza.
- Q Redbird alive when the war come up? A Yes, sir, but he died before I left there, him and his wife.
- Q Both of them died? A Yes, sir.
- Q What become of you? A You know I was big enough then to go to myself.
- Q Where did you go? A I come up here and went up in Kansas.
- Q I mean before the slaves were freed? A I was out here, I wasn't out un til aft er the war commenced.
- Q I was going to ask you now where you saw this witness, Sam Webber, before the war; he lived down about Tahlequah didn't he?
A Yes, sir.
- Q You lived down on Honey Creek? A Yes, sir.
- Q That was about 50 or 60 miles? A Yes, sir.
- Q Where did you ever see him? A Down on Honey Creek.
- Q He was up there? A Yes, sir, with Sam Webber.
- Q But this young Webber? A I never saw him.
- Q Refers the war though? A No, sir, I never saw this young Webber before the war.
- Q Why didn't you, if Sam Webber brought you down here and he was a citizen, why is it you didn't get him to testify for you before the Kern Clifton Commission to that fact, and why is it you didn't mention the fact in your testimony? A I thought Uncle Ben Grinnett would do.
- BY COM'R NEEDLES:**
- Q How big were you when the war broke out, you recollect that?
A I was about that hight (indicating) I reckon.
- Q Wasn't grown? A No, sir.
- Q Well, where was John Carter born? A He was born here in the Nation.
- Q After the war? A Yes, sir.
- Q After the you came back? A Yes, sir; Henry is the one I brought down here with me, that boy you enrolled this morning.
- Q Was he born while you were up in Kansas? A No, sir.
- Q Was he born before you went to Kansas? A Yes, sir.
- Q He was born before you went? A Yes, sir, I was grown and married.
- Q That was during the war you went to Kansas, wasn't it, of course?
A Yes, sir; I guess it was.
- Q Now, don't get bothered about it, you recollect about the war?
A I don't remember much about the war.
- Q You had a child before that? A Yes, sir.
- Q How old is Henry? A Well, he is, I don't remember how old he is.
- Q He is the oldest is he? A Yes, sir, of course I have got to

Mariah Reynolds.--4.

learning.

Q Is Henry married? A Yes, sir, that was his wife in here with him.

Q Henry was in here this morning? A Yes, sir.

Q You must be over 60 years old? A I don't know how old I am.

SAM WEBBER, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q Your name is Sam Webber? A Yes, sir.

Q How old are you? A About 58.

Q You are a recognized Freedman citizen of the Cherokee Nation?

A Yes, sir.

Q Do you know the applicant here, Mariah Reynolds? A Yes, sir.

Q How long have you known her, Mr. Webber? A I got acquainted with her when she come down with us the time Uncle Billy Foreman brought her down.

Q You don't know who she belonged to then? A No, sir.

Q Well, when was the first time you saw her after the war?

A When we all fixed and got ready to move down to the Territory.

Q She come with you? A Yes, sir.

Q What time did she return? A Sometime in the fall of '66.

Q You made several trips down didn't you, Mr. Webber?

A Yes, sir.

Q Was this the last trip? A Yes, sir, she was in the crowd; Uncle Billy Foreman brought her and she settled right there by us.

Q Have you known her since that time? A Yes, sir.

Q Has she always lived in the Cherokee Nation? A Yes, sir; married here and lived here.

Q Did you know Redbird Woodward? A No, sir.

BY MR. HASTINGS:

Q You didn't testify for her before the Kern-Clifton, Mr. Webber?

A No, sir, I was sick and went home.

Q They were not half through when they took her case?

A I wasn't there when they tried her.

Q You never come in and give any additional testimony for her afterwards? A No, sir, I wasn't called.

Q You don't know whether she said anything about coming back with you? A No, sir.

Q You are the man that went to Fort Gibson in 1865? A Yes, sir.

Q And your father and some others went up to see Chief Downing about coming back? A Yes, sir.

Q And you got with a woman and spent the winter up here about Coody's Bluff? A Yes, sir.

BY COM'R NEEDLES:

Q The Commission would like to have a little information about that Chief Downing business; your father went to see Downing did he?

A Yes, sir.

Q Was Downing Chief at that time? A Yes, sir; he was acting Chief and father went to see him; he was a kinda of a leader and he was a Colonel in the army and father went to see him.

Q He has always been Chief Downing after that? A Yes, sir; he was elected after that.

Q Do you know whether he was elected Chief at the time your father went to Fort Gibson or not? A He was not elected by the voice of the people; he was just acting that, most of the people just looked at him that was, there was no chief there and people looked at it that was because he was a kinda of a leader and a full blood.

BY MR. HASTINGS:

Q You have been questioned about this Chief business a number of times before, Mr. Webber? A Yes, sir; you have been questioning me about it.

Mariah Reynolds.--5.

Q You have had occasion to answer to it in a number of cases?

A Yes, sir.

Q And you then floundered; you didn't tell anything about being down here in '68 did you? A No, sir, not till Mr. Bell asked me.

Q You didn't tell anything about this trip before the Kern-Clifton Commission? A No, sir.

Q And they had about the same sort of investigation of these questions discussed like we do now? A Yes, sir; because they didn't ask me when I first come I didn't tell about coming.

Q At that time never mentioned it? A No, sir; they didn't ask me.

Q When I first asked you about Chief Downing you testified that your father and delegation went up there to see the Chief?

A Yes, sir.

Q You were asked who the Chief was and you said Downing was the Chief? A Yes, sir.

BY COM'R NEEDLES:

Q Now, Mr. Hastings asks you in your first testimony you didn't say that you and your father went up, or that your father went to Fort Gibson to see the Chief; now did you testify that he went up there to see the Chief or that he went up there to see Chief Downing? A I testified that he went up there to see Chief Downing, and father was acquainted with him and he was the only one he knowed to go to see.

BEN GRIMMETT, being sworn and examined by Commission er T. B. Needles, testified as follows:

Q What is your name? A Ben Grimmitt.

Q How old are you, Mr. Grimmitt? A About 65.

Q What is your post office? A Nowata.

Q Do you know Mariah Reynolds, the applicant? A Yes, sir.

Q How long have you known her? A I have knowed her before the war.

Q Was she a slave? A Yes, sir.

Q Do you know to whom she belonged? A Belonged to Redbird.

Q Was he a Cherokee? A Yes, sir.

Q Well, where did you see Mariah Reynolds and when after the war the first time? A I seed her on Big Creek.

Q When was that, about what year? A It was in the spring or in the fall of '66.

Q Did she go out of the Cherokee Nation during the war, do you know? A Yes, sir, she did.

Q Do you know where she went? A Went to Fort Scott, Kansas.

Q Do you know when she returned? A Yes, sir.

Q When did she return? A Well, I wasn't there when she come.

Q Did you come with her? A No, I didn't come with her.

Q The first time you saw her afterwards was in the fall of '66?

A Yes, sir.

Q Have you known her since that time? A Yes, sir.

Q Has she always lived in the Cherokee Nation? A Yes, sir.

Q Have you any idea how old she is? A No, sir, I don't.

Q Was she grown when you saw her in '66? A Yes, sir.

Q Have children? A I think she had one.

Q Do you know its name? A Henry.

BY MR. HASTINGS:

Q You saw her before the war did you? A Yes, sir.

Q Where did you see her? A I seed her at a her Master's.

Q Where was that? A Honey Creek.

Q What district? A I could not tell you the district.

Q You were you were never in Delaware District five years ago, didn't you? A I didn't say that.

Q What? A I didn't know anything about Delaware District.

Mariah Reynolds.--6.

Q Do you know what district you live in? A Yes, Flint District.
Q Now, what sort of a house was her Master living in before the war? A I could not tell that.
Q What were you doing up there? A I went up with my Master.
Q And what did he go for? A I don't know, he was bees.
Q Did Redbird Woodward have a wife? A Yes, sir.
Q What was her name? A I could not tell you that.
Q See any more slaves there? A No, I didn't see them.
Q That is the only one you saw? A No, I seen a boy.
Q There at Redbird Woodward's? A There was a little boy.
Q What was his name, his son, Henry? A I guess.
Q You saw him there? A Yes, sir.
Q That was before the war? A Yes, sir.
Q You are certain of this are you? A Yes, little ~~xxxx~~ before the war.
Q Did they have any fields about them? A Yes, sir.
Q Did they have creeks right there? A Yes, sir.
Q On which side of the house? A I could not tell you.
Q How far from the state line? A I don't know.
Q Do you know whether it was on the edge of the prairie or not? A I could not hardly tell that, it has been so long.
Q Do you know one year from another? A No, sir.
Q What year did the Wallace Court sit? A I could not tell that.
Q What year did the Kern-Clifton Court sit? A I could not tell that.
Q What year were you born? A You ask me things what I don't know anything about.
Q You don't know one date from another do you? A I don't know anything about the months.
Q Where did you see this woman first after the war?
A I seen her on Big Creek.
Q At whose house? A With Uncle Bill Foreman.
Q Now, how many children did she have when you saw her there?
A I didn't notice at all.
Q Did you see any? A Yes, there was some children there.
Q How many? A I could not tell you that.
Q You don't remember any more in particular? A No, sir.
Q You remember seeing one with her before the war?
A Yes.
Q Now, then, those were the only two colored persons, she and this little boy that you saw at Redbird Woodward's before the war?
A That is all.
Q How long did you stay there? A All night there.
Q How far was it from your home place? A I could not tell you that.
Q 25 or 100 miles? A No, sir, ~~it was~~
Q It was over 50 wasn't it? A I could not tell.
Q You don't know what your Master went up there for?
A Well, you tell me I will tell you.
Q You are the fellow that was whipped for stealing down there in Tahlequah wasn't you? A I have got a man here to prove that.
Q Well, do you deny it or not? A I ain't going to tell you nothing about it; you call him in, I will tell you that is the way to do business.

MARIAH REYNOLDS, applicant, recalled: BY COM'R NEEDLES;

Q Have you got any other witnesses? A No, sir.
Q Well, you say you have got a son in jail? A Yes, sir.
Q How long has he got to be there? A He went there for 15 years.
Q Is he married? A No, sir.
Q What is his name? A Wiley Carter.
Q How old is Wiley? A 23 somewheres along there.
Q How much older is Wiley than John? A Wiley is the oldest.

Mariah Reynolds.--7.

Q Well, how much older? A About two years.
Q Is John here? A No, sir, he is to the Reform School.
Q Where? A In Missouri.
Q Sent there by the Court? A Yes, sir.
Q Now, John is in prison too isn't he? A Yes, sir.
Q Both of them in prison? A Yes, sir.
Q Did you draw Wallace money for John and Wiley? A Yes, sir.
Q Where is Wiley in the Penitentiary? A Fort Leavenworth.

The Wallace Roll of Freedmen of the Cherokee Nation examined and names of applicant's children found thereon as follows:

Page 135, #2831, John Redbird, Cooweescoowee District.
Page 135, #2830, Wily Redbird, Cooweescoowee District.

Q These two children are yours are they? A Yes, sir.
Q Where were you born? A Cherokee Nation.
Q Where were they born? A Cherokee Nation.
Q Lived here all their lives? A Yes, sir.
Q But they were born before you were married to Reynolds?
A Yes, sir.
Q You wasn't married to anybody when they were born?
A No, sir.

BY MR. HASTINGS:

Q Where was this elder boy, Henry, born? A Down here on Grand river.
Q Before or after the war? A It was in time of the war.
Q How old is he now? A Well, I disremember how old he is, I guess he must be along in years now.
Q Henry was born in time of the war? A Yes, sir.
Q He is your oldest child? A Yes, sir.

BY COM'R NEEDLES:

Q Your name before you married Reynolds then; what was your name then? A Carter.
Q You never were married to Carter? A No, sir.
Q What was your name before you married Carter? A Redbird.

COM'R NEEDLES: Mariah Reynolds applies for the enrollment of herself and her sons, John Carter and Wiley Carter. She cannot be identified upon the authenticated roll of 1880 or census roll of 1896 or Kern-Clifton roll, but is identified upon the Wallace Roll. Her sons, John and Wiley, are satisfactorily identified upon the Wallace Roll as John and Wiley Redbird. She avers that her maiden name was Redbird; that she was a slave of one Redbird Woodward, that she lived with a man by the name of Carter, by whom she had these two children for whom she applies. She avers that they are both in prison, one in the State of Missouri in the Reform School and the other in the Penitentiary at Leavenworth. She avers that they are living, her children were born and raised in the Cherokee Nation. For proof of citizenship of Mariah Reynolds reference is made to the testimony. Said Mariah Reynolds and her two children, John and Wiley Carter, will now be listed for enrollment as Cherokee Freedmen upon a doubtful card, awaiting further consideration of the Commission. She will be notified of the decision of the Commission when the same is arrived at.

---oo0000oo---
J. O. Rassen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rassen

Marish Roy holds. -- 6.

Subscribed and sworn to before me this July 9th, 1901.

A handwritten signature in dark ink, appearing to be 'W. A. B.', written in a cursive style with a long horizontal flourish at the end.

Commissioner.

SUPPLEMENTAL TESTIMONY.

Y. D. #002.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I. T., JUNE 22d, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
Mariah Reynolds as a Cherokee Freedman;

BURL DANIELS, being introduced as a witness on the part
of applicant, being sworn and examined by Commissioner T. B.
Needles, testified as follows:

BY MR. W. W. HASTINGS, Cherokee Representative present.

- Q What is your name? A Burl Daniels.
Q How old are you? A I am some sixty odd.
Q What is your post office? A Talala.
Q Are you a Cherokee Freedman? A Yes, sir.
Q Your name is not on the roll if it, Burl? A No, sir.
Q Well, do you know Mariah Reynolds? A Yes, sir.
Q How long have you known her? A I have known her all my life
time.
Q Was she a slave before the war? A Yes, sir.
Q To whom did she belong? A First belonged to old Mrs. Woodward
and she give her to her son, Redbird Woodward.
Q Was Redbird Woodward a Cherokee Indian? A Yes, sir.
BY MR. HASTINGS:
Q How far from them did you live? A I lived about ten miles.
Q Where did you live? A I lived at Bob Daniels there about
where Vinita is now.
Q And they lived on Grand river? A They lived on Honey Creek and
from there to Horse creek.
Q Was Redbird living there when the war come up? A Yes, sir.
Q Did Redbird have a wife? A Yes, sir.
Q Now, how long before the war was it before you saw this woman
and know she lived there? A The last time I saw her the war com-
menced and she was living there then.
Q Did Redbird Woodward have any children? A Had two or three.
Q Do you know whether Webb Weir was any kin to them or not?
A Married my old Master's niece, old Mary Daniels' daughter.
Q Then they were brothers-in-law, Redbird Woodward and Webb?
A Weir was a white man and married my old Master's niece.

---00000000---

J. O. Reason, being sworn ~~and examined by Commissioner T. B.~~
states that as at an ex-officio to the Commission to the Five Civil-
ized Tribes, he correctly recorded the testimony and proceedings
in this case, and that the foregoing is a true and complete tran-
script of his stenographic notes thereof.

J. O. Reason

Subscribed and sworn to before me this 9th day of July, 1901.

T. B. Needles

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 18th 1901.

In the matter of the application of Mariah Reynolds et al., C.F.D. 808

SUPPLEMENTAL TESTIMONY.

Appearances:

L. B. Bell for the Cherokee Nation.
Mellette & Smith for the applicants.

WEBB WEIR being first duly sworn by Commissioner T. B. Needles testified as follows for the Cherokee Nation:

(By Bell)

- Q What's your name? A Webb Weir.
Q How old are you? A 56.
Q What is your post office? A Vinita.
Q How long have you been living in Vinita? A About 8 years.
Q Are you a Cherokee citizen? A Yes sir.
Q How long have you lived in the Cherokee Nation? All my life.
Q Where did you live in '61 and prior to that for 4 or 5 years in the Cherokee Nation? A On Honey creek in '61.
Q Where is that? A Delaware district, near the Arkansas line ten miles from the Arkansas line in the Cherokee Nation.
Q Had you been living there a number of years? A Born and raised there.
Q Were you acquainted with a Cherokee citizen named Redbird Woodard?
A Yes sir.
Q Where did he live? A Two miles below us on the same creek.
Q Was that Redbird Woodard a married man at the beginning of the war?
A Yes sir.
Q Who was his wife? A My sister, Ann Eliza Weir was her maiden name.
Q How long had they been married when the war broke out? A I expect about three years.
Q They lived there on that same Honey Creek up to the beginning of the war? A No sir they moved over on Horse creek just before the beginning of the war.
Q How far did they move? A I guess ten miles.
Q Did this Redbird Woodard own any slaves? A Yes sir, he had one nigger girl.
Q What was her name? A Her name was Rose.
Q Did he have any other slaves at all? A No sir.
Q What became of Redbird Woodard when the war broke out, did he still continue to live there? A No sir he went South.
Q Where did he go South to? A Down on Blue.
Q Was that in Texas? A No sir in the Choctaw Nation.
Q Indian Territory? A Yes sir.
Q Did he take this woman Rose with him? A I can't tell you if he did or not, because I was in the army and I don't know if he taken her with him or not, but I think he did.
Q Did he own a nigger girl about grown at that time named Mariah?
A No sir.
Q Had only the one nigger? A Yes sir.
Q What was Redbird Woodard doing during the war? A He was a soldier.
Q What army was he in? A In Stan Watie's army.
Q Confederate Army? A Yes sir.
Q Did you know Redbird Woodard about the time of his death? A Yes sir.
Q Did he die before, during or after the war? A After the war.
Q Where was he living when he died? A In Canadian district.
Q Did his wife die? A No sir.
Q She is not dead now? A No sir she is living now.
Q You lived in the Honey Creek country from the time you could recollect until the war broke out? A Yes sir.
Q Was there any other Redbird Woodard living in that Honey Creek country? A No sir that is the only one.
Q You say Mrs. Woodard is living now? A Yes sir.

(By Smith)

Q Where does she live? A At Echo.

Q In the Cherokee Nation? A Yes sir.

Q How old was Redbird Woodard when the war broke out? A You are too hard for me there.

Q You knew him didn't you? A Yes sir.

Q You know if he was a young or an old man then? A He was a middle aged man then.

Q How far did you live from him? A Two miles.

Q Always? A Until the war come up.

Q How long had you been living with ~~in~~ two miles of him before the war came up? A All my life I lived there and ~~was~~ I was about six or seven when he came there.

Q What was your post office then? A I cant tell, we never had no postoffices in those days.

Q You dont know what your post office was? A No sir.

Q How long is Honey Creek? A I dont know, it must be 13 miles or 14 miles long to the line, I dont know how long it is to the head.

Q Where does it commence? A I dont know, in Missouri or Arkansas.

Q Do you know where it comes into the Nation? A Yes sir, half a mile from the Arkansas and Missouri corner.

Q What does it empty into? A Grand river.

Q How far from the Nation line? A 13 or 14 miles.

Q You cant state positively that there was no other Redbird ~~WEN~~ Woodard in there except this man? A That was the only one I knew of and I knowed that country from where the creek run into the Nation to where it emptied into the river.

Q As far as you know he was the only one? A Yes sir.

Q The only in your neighborhood? A Yes sir.

Q How long did you stay there? From the time I can first recollect until the war come up.

Q And you say you knew all the people in the neighborhood? A Yes sir

Q Can you take any ~~section~~ section of the Cherokee Nation as large as that one was, and tell all the people in it? A No sir, but at that time there was not many people in the country, and those that were there were mostly citizens and belonged in the Nation and they staid there, there were not so many renters as there is now; now they are always changing so that you cant keep up with them, in those days it was different.

Q You cant take a section of country here now and tell all the citizens in it can you? A I can tel if I know the country and you keep on the Creek.

Q How far out from the Creek did you know the community that time? A Three or four miles.

Q As near as you can testify to, is that he was the only Redbird Woodard in that country as far as you know? A Yes sir.

Q You say that the Redbird Woodard you knew had a slave at the commencing of the war? A Yes sir a negro girl.

Q How old was she when the war come up? A 18 or 20.

Q About grown? A Yes sir.

Q You dont know what become of her during the war? A No sir.

Q Dont know what become of her after the war? A No sir.

Q You say she was called Rose? A Yes sir, her Indian name was Gewana, she talked good Indian.

Q she had two names then? A Yes sir an Indian name and an English name.

Q Rose was her English name? A Yes sir.

Q Have you never seen her since that time? A No sir.

Q Did you ever see this woman Mariah Reynolds? A No sir.

Q You dont know then that Mariah Reynolds is not the same woman that you knew as Rose do you? A No sir.

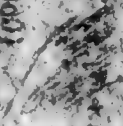
Q All you know of the slaves that Redbird Woodard owned was that Rose—she was the only one you know, he might have had others that you didn't know of? A Yes sir he might have some wheres else of course.

CO. JOHN O. H. JOYCE & CO.

RENEWAL

[Handwritten signature]

U.S. PATENT OFFICE
WASHINGTON, D.C.
MAY 15 1881



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Comment

In the matter of the application for the enrollment of
Mariah Reynolds, et al., as Cherokee Freedmen, consolidating the
applications of

Mariah Reynolds, et al., Cherokee Freedmen D 802
Susie Lowe, et al., Cherokee Freedmen D 824

DECISION.

The record herein shows that applications for enrollment as
Cherokee Freedmen were made to this Commission, by Mariah Reynolds
for herself, her adult son, Wiley Carter, and her minor son, John
Carter; and by Susie Lowe for herself and her two minor children,
Needa and Frank Lowe.

It does not appear that the said Mariah Reynolds was the
slave of a Cherokee citizen, or a free colored person, residing in
the Cherokee Nation at the commencement of the rebellion. The evi-
dence shows, however, that she went to Kansas during the rebellion
and returned to the Cherokee Nation, finding Esau Fox living in said
Nation upon her return. The Commission has found in the case of Esau
Fox, et al., Cherokee Freedmen D 508, that he did not return to the
Cherokee Nation within the time specified, in the decree of the
Court of Claims rendered February 3, 1896, in the case of Moses
Whitmire, trustee, etc., vs. The Cherokee Nation, et al., for the
return of freedmen to said Nation.

The evidence further shows that all the other applicants
herein were born since 1866; that they are the descendants of the
said Mariah Reynolds and have no rights to enrollment except such as
they may have derived through her. The names of none of the appli-
cants herein are found on the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the
applications for the enrollment of Mariah Reynolds, John Carter,
Wiley Carter, Susie Lowe, Needa Lowe and Frank Lowe as Cherokee
Freedmen should be denied, under the provisions of section twenty-one
of the Act of Congress, approved June 28, 1896 (30 Stats., 495), and
it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tams Bixby

Chairman.

(SIGNED)

T. B. Needles

Commissioner.

(SIGNED)

C. H. Breckinridge

Commissioner.

Muskogee, Indian Territory,

this

July 23 1904

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Amended

In the matter of the application for the enrollment of
Mariah Reynolds, et al., as Cherokee Freedmen, consolidating the
applications of

Mariah Reynolds, et al., Cherokee Freedmen D 302
Susie Lowe, et al., Cherokee Freedmen D 324

DECISION.


The record herein shows that applications for enrollment as
Cherokee Freedmen were made to this Commission, by Mariah Reynolds
for herself, her adult son, Wiley Carter, and her minor son, John
Carter; and by Susie Lowe for herself and her two minor children,
Needa and Frank Lowe.


It does not appear that the said Mariah Reynolds was the
slave of a Cherokee citizen, or a free colored person, residing in
the Cherokee Nation at the commencement of the rebellion. The evi-
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and returned to the Cherokee Nation, finding Esau Fox living in said
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return of freedmen to said Nation.

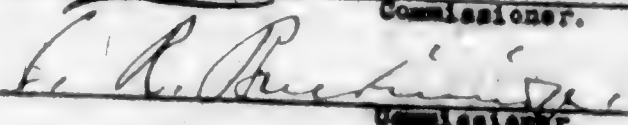
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It is, therefore, the opinion of this Commission that the
applications for the enrollment of Mariah Reynolds, John Carter,
Wiley Carter, Susie Lowe, Needa Lowe and Frank Lowe as Cherokee
Freedmen should be denied, under the provisions of section twenty-one
of the Act of Congress, approved June 28, 1896 (30 Stat., 495), and
it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.


Commissioner.


Commissioner.

Commissioner.

Muskogee, Indian Territory,
this JUL 23 1904

802

20

70802

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on Marshall J. Jones

by delivering a true copy thereof on the
11 day of October A. D. 1901

Given under my hand this 11
day of October A. D. 1901.
John R. Jones
Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
..... day of, 190.....

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 190.....

Subscribed and sworn to before me
this

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 12 1901


ACTING CHAIRMAN.

Tulsa, Ok.

NOTICE!

IN THE MATTER OF the application of ~~Martiah Reynolds~~
for enrollment as Cherokee Freedmen:
Case No. F. D. ~~802~~

~~T. Martiah Reynolds~~ ~~Tulsa, I. T.~~

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of ~~Vinita, Indian Territory.~~ Indian Territory, on ~~Oct. 18th~~ at ~~8 o'clock A. M.~~ from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this ~~Oct. 9, 1901.~~

L B Bell

W. W. Hastings

J. D.avenport
Attorneys for the Cherokee Nation.

Muskogee, Indian Territory, Sept. 19, 1903.

Received of the Commission to the Five Civilized Tribes one copy
of the testimony in Cherokee Freedman D802, Mariah Reynolds, et al.

Twine and W. Real

Attys for Appts.

Cherokee Freedmen

D-402.

Muskogee, Indian Territory, July 12, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

The Commission is in receipt of Departmental letter of July 1, (ITD 3587-1904), calling attention to the fact that on May 11, 1904, the Department referred to this Commission for a report, a communication dated May 1, 1904, from Jacob Guthrie, Coffeyville, Kansas, relative to the Cherokee enrollment case of Rose Nivins.

In reply the commission desires to report that an examination of its records shows that on June 7, 1901, application was made to the Commission for the enrollment, among others, of Rosella Nivins as Cherokee Freedman; that on March 5, 1904, the Commission rendered a decision in this case rejecting said application, which decision, together with the record in the case, was forwarded to the Department for review on March 24, 1904. The Commission has as yet received no notice of the Department's action on this decision. The number of this case is Cherokee Freedmen D-402.

The communication of Jacob Guthrie is respectfully herewith returned.

Respectfully,

Encl. V-44
Through the
Commissioner of Indian Affairs.

Chairman.

COPY.

Cherokee Freedmen

D-224-202.

Muskogee, Indian Territory, July 26, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith inclosed the report of proceedings had in the consolidated case of Mariah Reynolds, et al., including the Commission's decision dated July 23, 1904, rejecting the applications for the enrollment of Mariah Reynolds and her two minor children, John and Wiley Carter, and Susie Lowe and her two minor children, Needa and Frank Lowe, as Cherokee freedmen.

Respectfully,

T. B. Needles.

Encl. 99.

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS

Refer in reply
to the following:
Land
52067-1904.

WASHINGTON, September 3, 1904.

The Honorable ,
The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated July 26, 1904, transmitting the record of the application for enrollment as Cherokee freedmen by Mariah Reynolds for herself, her adult son, Wiley Carter, and her minor son, John Carter; by Susie Lowe for herself and her two minor children, Needs and Frank Lowe.

July 23, 1904, the Commission decided adversely to the applicants.

The record shows that Mariah Reynolds and Wiley Carter were not the slaves of a Cherokee citizen at the beginning of the war of the rebellion; that they went out of the Cherokee Nation during the war and returned on some date not clearly shown; that the other applicants were born since 1866; that they are descendants of the said Mariah Reynolds and have no rights to enrollment except such as they may have derived from her.

None of the applicants is identified on the 1890 authenticated Cherokee roll.

The principal applicant, Mariah Reynolds, is identified on the Wallace roll under the name of Maria Postbird.

In view of the record the approval of the Commission's decision adverse to the applicants, is recommended.

Very respectfully,

W. A. Jones
Commissioner

H.H.H.

W.

J.P.

(COPY)

V.C.P.

DEPARTMENT OF THE INTERIOR

WASHINGTON.

LLB

I.T.D. 7146-1904

September 10, 1904.

Commission to the five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

July 26, 1904, you transmitted the record in the Cherokee freedman case of Mariah Reynolds et al., including your decision of July 23, 1904, rejecting the application for the enrollment of Mariah Reynolds and her two minor children, John and Wiley Carter, and of Susie Lowe and her two minor children, Nedda and Frank Lowe.

Reporting September 3, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is enclosed.

The Department concurs in said recommendation and your decision is affirmed.

Respectfully,

(Signed) Thos Ryan
Acting Secretary

1 inclosure

COPY.

Cherokee Freedmen
D 802

Muskogee, Indian Territory, October 4, 1904.

Twine & McKee,

Attorneys for Mariah Reynolds, et al.,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated July 23, 1904, rejecting, among others, the application for the enrollment of Mariah Reynolds and her two children, John and Wiley Carter, as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 10, 1904.

Respectfully,

(SIGNED), *Tams Bixby.*
Chairman.

COPY.

Cherokee Freedmen
D 802, et al.

Muskogee, Indian Territory, October 4, 1904.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated July 23, 1904, rejecting the applications for the enrollment of Mariah Reynolds, John and Wiley Carter, and Susie, Needa and Frank Lowe as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 10, 1904.

Respectfully,

(SIGNED) *Tams Bixby.*
Chairman.

COMMISSIONERS
TAMM DIXBY,
THOMAS B NEEDLES,
C R BRECKINRIDGE

WM O BEALL
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Chas R
REFER IN REPLY TO THE FOLLOWING

**Charles Freeman
D 628**

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

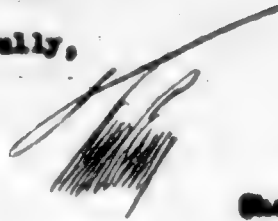
Muskogee, Indian Territory, October 4, 1904.

**Mariah Reynolds,
Wasa, Indian Territory.**

Dear Madam:

You are hereby advised that the Commission's decision dated July 23, 1904, rejecting, among others, your application for the enrollment of yourself and your two children, John and Wiley Carter, as Cherokee Freedmen, was affirmed by the Secretary of the Interior on September 10, 1904.

Respectfully,



Chairman.

COPY.

Cherokee Freedmen

D-802.

Muskogee, Indian Territory, March 23, 1905.

Wiley Carter,

31808, Lock Box 511,

Columbus, Ohio.

Dear Sir:

The Commission is in receipt, by reference from the Secretary of the Interior, of your letter of March 12, 1905, relative to your enrollment as a Cherokee freedman.

In reply you are advised that the Commission's decision dated July 23, 1904, rejecting the application for your enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on September 10, 1904.

Respectfully,

(SIGNED)

Tarns Bixby.
Chairman.

-COPY-

Tulsa, I. T. May 19, 1906.

Commissioner of Cherokee Enrollment Department,
Muskogee, Indian Territory.

Sir:-

Since the passage and approval of the Curtis Act of April 26, 1906, and according to stipulations therein we desire that you will please give us a new hearing, in the case of Marriah Reynolds, a Cherokee Freedman citizen, who has already made application for enrollment, first time at Nowata some two or three years ago, and again she was before you during the second and third weeks of April just before passage of Curtis Act. Your statement was that she had been rejected. She has already got an order from the Sec. of Interior to grant her placed on the roll. She can prove every statement she has already made. She drew the Wallace, Currem and Clifton payments. Was here during the treaty of 66. She can prove that she has never been out of the Territory to make it her home. Her mother and brothers are on the roll.

Please send us an immediate answer concerning the same.

Yours truly,

S. L. Young.

Cherokee
R 743

Muskogee, Indian Territory, June 2, 1906.

S. L. Young,

Tulsa, Indian Territory.

Dear Sir:

This office is in receipt of your letter of May 19, stating that under the provisions of the Act of Congress approved April 26, 1906, "you will please give us a new hearing in the case of Mariah Reynolds, a Cherokee freedman citizen". You state that she has heretofore made application for enrollment, and that she has proof sufficient to show that she is entitled to enrollment.

In reply you are advised that the records of this office show that the application of Mariah Reynolds for the enrollment of herself and children as Cherokee freedmen, was denied by the Secretary of the Interior on September 10, 1904.

Section one of the Act of Congress approved April 26, 1906, in part, provides:

S. L. Young--2.

"...no motion to reopen or reconsider any citizenship case, in any of said tribes, shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this Act, in which cases such motion shall be made within sixty days after the passage of this Act."

The records of this office show that you have not been admitted to practice before it as an attorney or agent.

There is nothing contained in your letter as to the nature of the evidence it is desired to introduce in the case of Mariah Reynolds et al., nor are there statements contained therein sufficient to show that a rehearing in the case of Mariah Reynolds et al. is necessary. You are advised, however, that the applicants will be allowed fifteen days from date hereof within which to file with this office a proper motion for rehearing in her case. A motion for a rehearing should state fully the facts which the applicants claim they can prove, and be supported by the affidavits of the witnesses whose testimony it is proposed to introduce in case a rehearing is ordered, indicating therein fully

S. L. Young---8

the facts to which they will testify. The applicants will be required to serve copies of all papers filed upon the attorneys for the Cherokee Nation and to make proof of such service.

Respectfully,

LMB

Commissioner

Cherokee Freedmen
R 743

Muskogee, Indian Territory, August 20, 1906

R. P. Elliott,

Tulsa, Indian Territory.

Dear Sir:

In reply to your letter of August 14, 1906,
you are advised that the fee required for a copy of the
record in the Cherokee Freedmen enrollment case of Mariah
Reynolds et al., is eight dollars and fifty cents (\$8.50).

Respectfully,

L M B

Commissioner

Cherokee Freedmen
R 743

Muskogee, Indian Territory, December 17, 1906

Elliott & Ransey,
Attorneys at Law,
Tulsa, Indian Territory.

Gentlemen:

Referring to your letter of November 23, 1906, and to Mr. Elliott's letter of December 7, 1906, you are advised that the motion transmitted by you with your letter of November 14, 1906, for a rehearing in the Cherokee freedman case of Mariah Reynolds et al., has been received. Your motion, with others for a rehearing of the Reynolds case and those with which it is consolidated, have not as yet been acted upon.

The application for the enrollment of these applicants has been denied by the secretary of the Interior, and before this office would have authority to take further proceedings in the case, a rehearing would have to be ordered by the department. Your motion will receive proper consideration, and you will be advised of any further action taken in the case.

Respectfully,

L N B

Commissioner

(COPY)

Law Office of
Kappler & Merrill
ATTORNEYS AND COUNSELLORS AT LAW
Bond Building.

Washington D.C. January 4, 1907.

Hon. E. A. Hitchcock,
Secretary of the Interior,
Washington, D.C.

Sir:

A motion for rehearing in the Cherokee freedman case of Mariah Reynolds et al, has been filed by the applicant with the Dawes Commission at Muskogee. The Commission states that the applicant must apply to the Secretary of the Interior for such a rehearing.

We have been employed by the applicant, and we will be greatly obliged if you would instruct the Dawes Commission to forward the papers in the case to Washington for consideration.

Yours respectfully,

Kappler & Merrill.

Muskogee, Indian Territory, January 7, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There are enclosed motions, filed June 25, 1906 by Thomas & Foreman, Attorneys, Muskogee, Indian Territory, for a rehearing of the Cherokee freedmen cases of Mariah Reynolds, et al., and Susie Lowe, et al. There is also enclosed a motion for a rehearing of these cases, filed June 26, 1906, by Kappler & Merrillat, Attorneys, Washington, D. C. The reply of the Cherokee Nation to all of these motions, filed July 17, 1906, is also enclosed.

With their letter of November 14, received November 15, 1906, Messrs. Elliott & Ramsey, Attorneys of Tulsa, Indian Territory, forwarded affidavits by Mariah Reynolds, John Lowe, Katie Westbrook, Dennis Vann and Charley Woodard, which they request be filed "in support of the motion to rehear the cases of Mariah Reynolds, et al." These affidavits are also enclosed. The decision of the Commission to the Five Civilized Tribes, dated July 25, 1904, rejecting the consolidated Cherokee freedmen cases of Mariah Reynolds, et al., D-602, and Susie Lowe, et al., D-624, was affirmed by the Department, September 10, 1904 (I.T.D. 7146-1904).

The evidence now sought to be introduced is only cumulative. When the case was heard before the Commission the principal applicant, Mariah Reynolds, through whom all the other applicants in the case claim, alleged that she returned to the Cherokee Nation with the Webber-Whitmire-Foreman colony of Cherokee freedmen who returned from the State of Kansas to the Cherokee Nation after the War of the Rebellion. The Commission to the Five Civilized Tribes found that Mariah Reynolds was not the slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the commencement of the War of the Rebellion, and that she did not return to the Cherokee Nation within the time limited by the treaty of 1866.

Reporting on the case September 3, 1904 (Land 52067-1904), the Indian Office found that Mariah Reynolds was not the slave of a Cherokee citizen at the beginning of the War of the Rebellion.

Even if Mariah Reynolds could establish that she was the slave of a Cherokee citizen at the commencement of the War of the Rebellion, as now contended, that fact would not be sufficient to entitle her to a rehearing. This office has at various times reported to the Department that the families of the members of the Webber-Whitmire-Foreman-Sanders colony of Cherokee freedmen did not return to the Cherokee Nation until the latter part of February or first of March, 1867, subsequent to the time limited by the treaty of 1866. The records in numerous Cherokee freedmen cases show positively and conclusively that no women or children returned to the Cherokee Nation after the war with that colony of freedmen until subsequent to February 11, 1867.

It is, therefore, respectfully recommended that all of the motions herewith transmitted be denied.

The motion of Susie (signed Nellie) Lowe includes her child, Gracie Lowe, aged three years as shown by the affidavit of John Lowe. A careful examination of the records of this office fails to show that any application was made for its enrollment under the provisions of the Act of Congress approved April 26, 1906 (34 Stat. 137).

Respectfully,

Through the Commissioner
of Indian Affairs.

Commissioner.

Encl. N-72
JMK

Muskogee, Indian Territory, January 8, 1907.

Kappler & Merrillat,
Bond Building,
Washington, D. C.

Dear Sirs:

Referring to your letter of June 23, 1906, you are advised that your motion for a rehearing of the Cherokee freedmen case of Mariah Reynolds, et al., was forwarded to the Secretary of the Interior, January 7, 1907.

Respectfully,

J.M.H.

Commissioner.

Muskogee, Indian Territory, January 8, 1907.

Elliott & Ramsey,

Tulsa, Indian Territory.

Dear Sirs:

Referring to your letter of November 14, 1906, in re motion to rehear the Cherokee freedmen enrollment case of Mariah Reynolds, et al., you are advised that the motion was forwarded to the Secretary of the Interior, January 7, 1907.

Respectfully,

J.M.H.

Commissioner.

(COPY)

Y.P.

D.C.2561-1907
I.T.D.193-1907

LRS

DEPARTMENT OF THE INTERIOR, IHR.
WASHINGTON,

January 10, 1907

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

There is inclosed herewith for early report and recommendation, a communication dated the 4th instant, from Kappler & Meillat, this city, relative to a motion for rehearing in the Cherokee freedman case of Mariah Reynolds.

You are requested to transmit any such motion that may have been filed with you.

Respectfully,

Jesse B. Wilson,

Through the Commissioner
of Indian Affairs.

Assistant Secretary.

1 inclosure

Muskogee, Indian Territory, January 17, 1907

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is acknowledged of Departmental letter of January 10, 1907 (I.T.D. 193-1907), enclosing, for early report and recommendation, a letter from Kappler & Merillat, Washington, D. C. , relative to a motion for rehearing in the Cherokee Freedman case of Mariah Reynolds. This office is requested to transmit any such motion that may have been filed.

In reply you are respectfully advised that on January 7, 1907, this office transmitted motions filed by Thomas & Foreman, Attorneys, Muskogee, Indian Territory, and by Kappler & Merillat, Attorneys, Washington, D. C. , for a rehearing in the Cherokee freedman case of Mariah Reynolds et al.

The letter of Messrs. Kappler & Merillat is returned herewith.

Respectfully,

Through the

Commissioner of Indian Affairs.
Encl. B-48

Commissioner

(COPY)

F. P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

FHE.

D. C. 9639-1907.
I. T. D. 3204-1907.
L. R. S.
Direct.

February 13, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Department is in receipt of your letter of January 7, 1907, submitting motions for rehearing in the Cherokee freedman case of Mariah Reynolds, et al., and Susie Lowe, et al.

In accordance with the recommendations contained in your letter and in Indian Office letter of February 13, 1907 (Land 6508-07), copy inclosed, submitting the papers in the case, all the motions are denied.

Even if the motions presented a prima facie case for further investigation, the Department would not be warranted in ordering a rehearing, in view of the provision ~~of~~ section ~~of~~ the act of April 26, 1906 (34 Stat., 137), relative to the completion of the rolls of the Five Civilized Tribes.

The Indian Office will advise the local attorney of this action. The papers in the matter and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Thos. Ryan

First Assistant Secretary.

1 inc. and 13 for Ind. Of.

WFMc
2-16-07.

Land.
2936-1907
6308- "

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, February 13, 1907

(COPY)

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of September 10, 1904 (I. T. D. 7146-1904), affirming the decision of the Commission to the Five Civilized Tribes of July 23, 1904, rejecting the application of Mariah Reynolds, et al., and Susie Lowe, et al., for enrollment as Cherokee freedmen, I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated January 7, 1907, and enclosing motions filed in his office June 25, 1906, by Thomas & Foreman, attorneys, Muskogee, I. T., for a re-hearing; also a motion filed June 26, 1906, by Kappler & Merrillat, attorneys, of this city, and the reply of the Cherokee Nation thereto, filed July 17, 1906; also a communication of the Commissioner dated January 17, 1907, reporting on Departmental letter of January 10, 1907 (I. T. D. 193-1907).

In support of the motion, there was filed with the Commissioner on November 15, 1906, the affidavits of Mariah Reynolds, John Lowe, Katie Westbrook, Dennis Vann and Charley Woodard, in which it is alleged that Mariah Reynolds, who is the principal applicant, and through whom all the other applicants claim,

was a slave belonging to the Woodard family and was born and reared on the plantation Woodard on Honey Creek, in the Cherokee Nation; that during the Civil War, she, in company with others of her race, went to the State of Kansas, where she remained until the Fall of 1866, when she returned to the Cherokee Nation with, among others, Billie Foreman, Sam Weber, Sr., and Sam Weber, Jr., and that she returned to the Cherokee Nation in the Fall of 1866. The other affidavits are of the same general tenor.

All of this evidence was considered in the original application, and is therefore cumulative, and cannot be considered as newly discovered evidence. The Commission to the Five Civilized Tribes found, as a fact, that Mariah Reynolds was not the slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the commencement of the Civil War; and further found that she did not return to the Cherokee Nation within the time limited by the treaty of 1866. Even if it could be established that she was the slave of a Cherokee citizen at the commencement of the Civil War, that fact would not entitle her to a re-hearing.

From her own testimony, she returned to the Cherokee Nation with the Whitnire-Weber-Foreman colony of Cherokee freedmen, and it has been conclusively established in various cases that this colony did not return to the Cherokee Nation until the latter part of February or the first of March, 1867, which was after the time limited by the treaty of 1866.

The records of numerous cases show conclusively that no woman or children returned to the Cherokee Nation after the Civil War with this colony of freedmen until subsequent to February 11, 1867.

The motion signed by Susie Lowe is made to include her child, Gracie Lowe, aged three years, as shown by the affidavit of John Lowe.

The Commissioner reports that an examination of the records of his office fails to show that any application was made for the enrollment of this child, under the provisions of the Act of Congress approved April 26, 1906 (34 Stat. L., 137).

In view of the record in this case, the Office respectfully censures in the recommendation of the Commissioner that all of the motions enclosed herewith be denied.

The record is enclosed herewith.

Very respectfully,

KVE--SD

C. F. Larrabee

Acting Commissioner.

Cherokee R 743

COPY

Muskogee, Indian Territory, March 6, 1907.

Mariah Reynolds,

Tulsa, Indian Territory.

Dear madam:

You are hereby advised that the motion for rehearing in the matter of the application for the enrollment of yourself and children, filed June 25, 1906, by your attorneys, Thomas & Foreman, was denied by the Secretary of the Interior February 13, 1907.

Respectfully,

SIGNED *Wm. S. Sibley*
Commissioner.

MH

Cherokee R 743

COPY

Muskogee, Indian Territory, March 6, 1907.

Thomas A Foreman,

Attorneys for Mariah Reynolds, et al.,

Muskogee, Indian Territory.

Dear sirs:

You are hereby advised that the motion for rehearing in the matter of the application for the enrollment of Mariah Reynolds, et al., filed by you June 28, 1906, was denied by the Secretary of the Interior February 13, 1907.

For your information, there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

SIGNED *Tams Dixby*.

Commissioner.

Enc. N-41

YH

Cherokee R 743

COPY

Muskogee, Indian Territory, March 6, 1907.

V. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear sir:

You are hereby advised that the motion for rehearing in the matter of the application for the enrollment of Mariah Reynolds, et al., filed June 25, 1906, by their attorneys, Thomas & Foreman, was denied by the Secretary of the Interior February 13, 1907.

For your information, there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

SIGNED *Tams Bix*

Commissioner.

Eno. M-42

MH

Subject: In re alleged
refusal of Commissioner
to Five Tribes to allow
Mariah Reynolds to file.

Muskogee, Indian Territory, September 7, 1907

The Commissioner of Indian Affairs,
Washington, D. C.

Sir:

This office is in receipt of Indian Office letter of August 30, 1907 (I.T.D. 71929-07, file 313), enclosing for consideration, investigation and report a communication dated August 23, 1907, from Mariah Reynolds, of Coweta, Indian Territory, in which she states that she has taken part in two Cherokee payments; that she was enrolled under the name of Mariah Carter and has since married Peter Reynolds; that she "applied to the Dawes Commission for permit to file" and that she was refused to "file on the ground that she was vouched for by too many colored persons". She further states that she has two brothers and children who have filed as Cherokee freedmen.

In reply you are advised the records of this office show that the application of Mariah Reynolds for the enrollment of herself and children as Cherokee freedmen was denied by the Commission to the Five Civilized Tribes on July 23, 1904, and its action was affirmed by the Department September 10, 1904 (I.T.D. 7146-04). A motion to reopen said case filed June 25, 1906, was denied by the Department February 13, 1907 (I.T.D. 5204-07).

The record in the case shows that Mariah Reynolds and

Dom. Indian Affairs--2

her children for whom she applied participated in the payment made to the persons whose names appeared upon the roll of Cherokee freedmen made by John W. Wallace in 1889. The records of this office do not show that any application was ever received from Sarah Reynolds for the selection of an allotment of land in the Cherokee nation.

Her letter is returned herewith.

Respectfully,

Acting Commissioner.

Enc. MS-155

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
CHEROKEE DIVISION.

Copy

In the matter of the application
of Sarah Reynolds, and her two
children Wiley Carter and John
Carter for enrollment as Cherokee
freedom citizens of the Cherokee
Nation. : No. R. 748 Cherokee Freedom.
NOTICE FOR HEARING.

And now on the part of Sarah Reynolds, for her self and her two children Wiley Carter and John Carter, by Thomas A. Foxman, their attorneys, and moves the Honorable Commissioner to the Five Civilized Tribes and the Honorable the Secretary of the Interior to set aside the decision of the Commissioner to the Five Civilized Tribes and the Honorable Secretary of the Interior, regarding their application for enrollment as Freedom citizens of the Cherokee Nation, No. R. 748, filed September 10th, 1904.

And in support of said notice filed herewith the affidavit of her the said Sarah Reynolds to-wit: _____

Thomas A. Foxman
Attorney for my clients.

Sarah Reynolds

No R 743

Cherokee Freedmen

In re application of
Mariah Reynolds
her two children
for enrollment as
Cherokee Freedmen

Attorney for Rehearing

Copies

COMMISSIONER TO THE FIVE CIVILIZED TRIBES			
No.	Received	Book	Page
	JUN 25 1908		

Thomas & Foreman
Attys for Claimants

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
Cherokee Division.

In the matter of the application
of Mariah Reynolds and her two
children Wiley Carter and John
Carter, for enrollment as Chero-
kee Freedmen citizens of the
Cherokee Nation.

Cherokee R. No. 748.

Affidavit.

On this day personally appeared before me Jay P. Farnsworth, a Notary Public, in and for the Western District of Indian Territory, Mariah Reynolds, of Indian Territory, who being by me first duly sworn on her solemn oath to speak the truth; that her name is Mariah Reynolds, that she is about 60 years of age, that she does not know exactly when she was born, but she believes she is about sixty years of age. That she was born on Honey Creek in the Cherokee Nation a considerable time before the beginning of the War of the Rebellion, but just how long before she does not now remember. That she was about grown when the War began, that her father's name was Henry Ridge and he was the slave of Tom Ridge a Cherokee Indian and a citizen of the Cherokee Nation, her mother's name was Susie Woodward (or Woodard) who was the slave of Ned Woodward (or Woodard) who was a Cherokee Indian and a citizen of the Cherokee Nation; that affiant was before her marriage Mariah Woodward, she was born the slave of her mother's master Ned Woodward, that she was married (in slave fashion) to one David Woodward and bore him one child, that David Woodward was killed as a soldier in the Union Army during the War, that she then married one George Carter who was the slave of David Carter a Cherokee Indian and a citizen of the Cherokee, and by said George Carter she has had six children, three of whom died in infancy and the other three are now living and are named respectively Wiley Carter, John Carter and Susie Love. That she married to George Carter near Big Creek in the Cherokee Nation.

That during the war in order to escape the rebel forces then occupying part of the Cherokee Nation she went to the State of Kansas. That she returned to the Cherokee Nation in 1866 during the time the treaty of 1866 was being negotiated and prior to its ratification.

That after the death of her husband George Carter she intermarried with

one Peter Reynolds, with whom she is now living. That she is enrolled as a Cherokee Freedman on the Wallace roll and drew \$15.50 as a Cherokee Freedman citizen. That as such Cherokee Freedman citizen she had previously drawn something like eight dollars for bread money at a payment made at hog track, Cherokee Nation. That she made a regular application to the Commission to be Civilized for the enrollment of herself and two of her children Willie Carter and John Carter, and that John Lowe her son-in-law also application for enrollment as a Freedman of the Cherokee Nation for his wife, Plaintiff's daughter, and her two children Jennetta Lowe and Frank Lowe. That since said application was made another child has been born to the said John Lowe and Lucie Lowe who is named Gracie Lowe and is now about two years of age.

That she has always with the exception of the time she was in the State of Kansas during the War of the Rebellion a resident of the Cherokee Nation. That for a considerable portion of the time after the war she lived in the Cherokee Nation and far from Coffeyville, Kansas, that she worked as a servant in Coffeyville during the week but returned on Saturday night to her home in the Cherokee Nation. That she never was a citizen of the State of Kansas but has been from the date of her birth with the exception named, a resident and since the adoption of the treaty of 1866 a freedman citizen of the Cherokee Nation.

That she and her children have always been held and esteemed by their Cherokee neighbors and friends as Cherokee Freedman.

That this application is made in support of her application for a rehearing of the above entitled cause.

Subscribed and sworn to before me this 21st., day of June, 1906.

Notary Public.

My commission expires August 16th., 1908.

SR 748

748

DEPARTMENT OF THE INTERIOR
COMMISSIONER OF THE FIVE CIVILIZED TRIBES

FILED

JUL 17 1886


Commissioner

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the motion to reopen and rehear the application for the enrollment of Mariah Reynolds, et al., as Cherokee freedmen, consolidating the applications of:

Mariah Reynolds,.....Cherokee Freedmen D 802,
Susie Love, et al.....Cherokee freedmen D 824.

Reply of the Cherokee Nation.

There has been two motions filed for a rehearing in this case: one by Thomas & Foreman of Muskogee, Indian Territory, and the other by Kappler & Merrillat of Washington, D. C., with whom is associated R. I. Elliott of Tulsa, I. T.

The record in this case shows that Mariah Reynolds appeared before the commission to the Five Civilized Tribes at Muskogee, I. T., on June 21, 1901, and made application to be enrolled as a freedman citizen of the Cherokee Nation, together with certain other members of her family; she claimed that she was a slave prior to the war and belonged to Redbird Woodard and lived on Honey Creek, in Delaware District, near where said creek flows into the Grand River, prior to the war, and she claims to have returned to Big Creek from Kansas after the close of the war. On July 23, 1904, the commission to the Five Civilized Tribes rejected all of the applicants in which decision the Commission held:

"It does not appear that the said Mariah Reynolds was a slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the commencement of the Rebellion. The evidence shows, however, that she went to Kansas during the Rebellion and returned to the Cherokee Nation, finding Peau Fox living in said Nation upon her return. The Commission has found in the case of Peau Fox, et al., Cherokee freedmen D 508, that he did not return to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitwire, trustee, etc., versus the Cherokee Nation et al., for the return of freedmen to said Nation."

This judgment of the Commission to the Five Civilized Tribes was affirmed by the Secretary of the Interior September 10, 1904.

Neither of the motions filed is upon any newly discovered testimony, because the affidavits of no newly discovered witnesses are attached to either motion. A long affidavit made by Mariah Reynolds is attached to the motion filed by Thomas & Foreman, ^{but} as she appeared before the Commission

herself and made her own statement, was examined and cross-examined and therefore there is nothing new in her affidavit. As to the motion filed by Kappler and Merillat, it is rather an argument for a reversal of the decision of the Department, affirming the rejection of the applicants. Attention, however, is invited to the statement that they make as to when the "Big Creek fight occurred." These attorneys state that the historical fact shows that it was in 1866. The truth is there was no such fight known as the Big Creek fight. No fight ever occurred on Big Creek in 1866 or 1867 either, and the testimony does not in this case or any other show that there was ever a fight known as the "Big Creek fight," and the application of these applicants has no connection whatever with what is known as the Horse Creek fight some 50 or 60 miles east of Big Creek, because it is not contended that any of these applicants came through the Horse Creek fight or with any one who did. As to the motion filed by Thomas & Foreman, no reasons are given whatever in their motion for a rehearing, except that reference is made to the affidavit filed by Mariah Reynolds, and attached to the motion, and as above observed, she appeared before the Commission and was examined in person very exhaustively on June 21, 1901, and therefore, there is nothing new discovered in the affidavit.

It will be noted from the decision of the Commission to the Five Civilized Tribes that the applicants were rejected upon two grounds, namely, that they were not the slaves of Cherokee citizens or free colored persons residing in the Cherokee Nation at the beginning of the war of the Rebellion, and second, they did not return within the time prescribed by the treaty of 1866. As to the ownership, the principal applicant claims to have belonged to Redbird Woodard. She introduced three witnesses; first, Sam Webber, who did not know her before the war; second, Ben Grimmett, who lived in Flint District some 50 or 60 miles away, who knew nothing whatever of the alleged surroundings of the Redbird Woodard place and was, therefore, now familiar with it. The third witness, Burrell Daniels, is a rejected applicant himself, and he claims to have lived some 13 or 20 miles from Redbird Woodard. Upon the other hand, the

Cherokee Nation introduced Webb Weir, who swore that he was born and reared on Honey Creek and lived within two miles of Redbird Woodard; that Redbird Woodard married his sister, and he swears positively that Redbird Woodard had only one slave when the war began and her name was Rose. And Mariah admits that she had a sister by the name of Rose, and therefore, they cannot be one and the same person, and Mariah also admits that Webb Weir was a brother-in-law of Redbird Woodard. Weir is as positive as the English language will permit him to be that Redbird Woodard did not own Mariah when the war began, and certainly he was in a position to know if any one did and certainly his testimony should be taken rather than these colored witnesses who were slaves and who lived a great distance from where Redbird Woodard should have lived.

Again, the applicant swears that when she came back to the Big Creek in the Cherokee Nation after the war that Esau Fox and a number of others had houses built there, and as the commission has stated in its decision most positive proof was introduced in the case of Esau Fox that he did not return within the time prescribed by the treaty, and the records show that he was rejected and that his rejection was affirmed by the Secretary of the Interior on August 31, 1904. All of this testimony was considered by the commission to the Five Civilized Tribes when it rendered its decision, by the Commissioner of Indian Affairs, and by the department when it affirmed the decision rejecting the applicant, and inasmuch as no reasons were given for the reopening, and inasmuch as there is no claim of any newly discovered testimony, and inasmuch as a careful review of the case will show that there is no merit in it, we submit that the motions filed herein should be denied.

Respectfully submitted,

W. W. Hastings

Attorney for the Cherokee Nation.

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3880

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUN 21 1901


ACTING CHAIRMAN

23
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13

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *June 21, 90*
Post Office *Fulton St.*
District *Geo*

1. Name Age
Owner's name Citizenship
Year Page No. District
Parents: *Cook*

Name of wife *Mariah Reynolds* Age *49+*
Owner's name *Redbird Woodard* Citizenship *Cherokee*
Year *Wallace* Page *135* No. *2879* District *Geo*
Parents:
Father *Henry Ridge* Citizenship
Mother *Jessie Woodard* Citizenship

Names of Children
2 *John Carter* Year *Wallace* Page *135* No. *2831* Dist. *Geo* *19*
3 *Wiley Carter* Year " Page *135* No. *2830* Dist. " *23*
5. Year Page No. Dist.
6. Year Page No. Dist.
7. Year Page No. Dist.
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.

12. Application made by *No. 1* Year Page No. Dist.
Stenographer *J. O. Ross*

- 1 *On Wallace roll as Maria Redbird.*
- 2 " " " " *John Redbird*
- 3 " " " " *Wiley "*

720802

FILED
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[Handwritten signature]
- THE DIRECTOR

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Mariah Reynolds,

Tulsa, I. T.

Cherokee-F-D-802.

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Christopher Friedman
Lottie Faber
Tulsa
D D

Frank Riley father
made application for
me; he is also known
as the hair. he
is enrolled & has
an allotment.

My mother Mary
Riley (now deceased)
is enrolled.

My child James
Riley - I have made
application for him
also

Sold up also.
Charles Fredman
Mariah Reynolds.

R. 743.

C. 82. 802

General Office,

Cherokee Freed.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOCHEE, IND. TER.

Handwritten mark

Mariah Reynolds,

~~Tulsa, Indian Territory.~~



UNCLAIMED

Cher. Fr. R. 744

Trans. from F. D. 804

Cher. Fr. R. 744

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May 9, 1901.

In the matter of the application of Aaron Webber for enrollment as a Cherokee Freedman.

Aaron Webber, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q. What is your name? A. Aaron Webber.
- Q. How old are you? A. 36 I think.
- Q. What is your post office address? A. Wymer, Cherokee Nation.
- Q. What district do you live in? A. Cooweescoowee district.
- Q. Do you apply to be enrolled as a Cherokee Freedman? A. Yes, sir.
- Q. Do you want to enroll anybody besides yourself? A. Just myself.
- Q. Have you ever applied to be enrolled by any other tribe or Nation besides the Cherokee Nation? A. Yes, sir, the Clifton Court and the Wallace Court.
- Q. The you apply to any other Nation, the Creeks? A. No, sir.
- Q. Never drew any money from any other Nation? A. No, sir, I didn't.
- Q. Have you been recognized by the Cherokee authorities as a Cherokee citizen? A. Yes, sir.
- Q. Is your name on the roll of 1880? A. It is on this roll here Mr. Bledsoe has got here; I ~~was~~ come with my brother Sam Webber.
- Q. Is your name on the roll of 1880? A. No, sir.
- Q. Did you ever draw your strip payment money? A. Yes, sir.
- Q. How much did you draw? A. \$15.50, and then I drew this other payment, this last payment, I drew it.
- Q. You drew the last payment? A. Yes, sir.
- The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
- The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
- The Kerns-Clifton roll examined, and the applicant identified thereon, page 126, No. 315, Cooweescoowee district.
- Q. Were you a slave before the war? A. Yes, sir.
- Q. Who did you belong to? A. Takie Webber.
- Q. Was she a Cherokee citizen? A. Yes, sir.
- Q. Where did you go during the war? A. Went to Kansas.
- Q. When did you come back from Kansas? A. Came back in 1866.
- Q. You been living here ever since? A. Yes, sir.
- Q. Are you married? A. No, sir.
- Q. Ever been married? A. No, sir.
- Q. Got no children then? A. No, sir, I haven't.
- Q. You are certain you came back in 1866? A. Yes, sir, I did.
- Q. Who did you come back with? A. Sam Webber and my father.
- Q. Why is your name not on the roll of 1880? A. Why I can't tell you about that.
- Q. Did you ever try to have it put on? A. Yes, sir.
- Q. They refused to do it? A. Yes, sir, must have, for it aint there.
- Mr. W. W. Hastings; attorney for Cherokee Nation: You say you returned with your brother Sam? A. Yes, sir, I did.
- Q. Did you come the first time he came out here? A. Yes, sir, I did.
- Q. What time of the year was it? A. '66.
- Q. What time in the year '66? A. Well you see I can't read and I can't write, I didn't keep no count of the days and the months because my owner's didn't give me time to get my education.
- Commissioner: Was it in the fall or summer? A. It was along in March when I came back in 1866.
- Mr. Hastings: Was it the March after the treaty was made? A. Yes, sir.
- Q. You are certain of that? A. Yes, sir, I am.
- Q. And you came back with him at that time? A. Yes, sir.
- Q. Did he bring his family along then? A. Yes, sir.
- Q. His wife and children? A. Yes, sir.
- Q. He had already been out there and put up a house? A. Yes, sir, I had come out before that and I come with him, and we put up a house and I came back with him in '66.

- Q The first time you came back was in March after the treaty was made? A Yes, sir, that is when we moved there.
- Q How long before that was it when you came out? A I can't give the days of the months, how long it was we came out, but we came and put up a house one fall and went back and came right on down.
- Q About how long did you stay out here when you had put up the building? A We stayed three or four days and then went right back and moved down.
- Q What kind of buildings did you put up? A We put up a log cabin.
- Q Out on Big Creek? A Yes, sir.
- Q How far from where Sam Now lives? A Sam lives on the north side of Nowata and we live up there on Big Creek, I can't tell you exactly how many miles, but he lives at Nowata and we live up there on Big Creek.
- Q What old citizen lives near where you first located, where you first located when you first moved out? A There isn't anybody lives there now.
- Q Name some old citizen who lives at the place now where you located them? A Sam Webber.
- Q Does Sam Webber live at that place now? A He did live there but he don't live there now.
- Q Who lives at the place Sam and you came to? A The Meigs and Whitmires and Sanders, and a whole lot of them.
- Q You have lived there ever since? A Yes, sir.
- Q You came out in wagons the first time? A Yes, sir, because Sam Webber drove the ox wagon and I drove the horse wagon.
- Q Do you know anything about dates? A I know when they say the year is out, and this year is in.
- Q What year is this? A If I am not mistaken I think this is May.
- Q The year though? A I can't tell you exactly what year it is, because I am not educated like you smart men.
- Q You are satisfied in '66 you came here in March? A Yes, sir.
- Commissioner: Do you know when the treaty was adopted, know what month it was adopted in, the treaty; you told Mr. Hastings you came here the march after the treaty was adopted; you don't know what month in 1866 the treaty was adopted? A No, sir, I don't.
- Q Have you got any witnesses? A Yes, sir, Sam Webber, and Abe Hara.

Sam Webber, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Sam Webber.
- Q What is your age? A About 58, somewhere nearabout that.
- Q What is your post office address? A Nowata.
- Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
- Q Your name on the 1880 roll? A Yes, sir.
- Q Do you know Aaron Webber? A Yes, sir.
- Q Is he any relation to you? A He is my brother.
- Q Was he a slave? A Yes, sir.
- Q To whom did he belong? A Takie Webber.
- Q Was she a Cherokee citizen? A Yes, sir.
- Q By blood? A Yes, sir.
- Q Where was he during the war? A He was with us in Kansas.
- Q When did he come back? A He came with us when we came back in July.
- Q You came in July from Kansas and he came with you? A Yes, sir.
- Q What year was that in? A In 1866.
- Q He was a slave the same as you? A Yes, sir, same as me, with the same owners.
- Q Ought to be entitled to the same rights you have got? A Yes, sir, have just the same right, belonged to the same parties too.
- Mr. Hastings: Q What time of the year was it you say you brought him back? A We came in July and built houses and went back and moved down.
- Q You had heard of the treaty passed? A We came right in the same month the treaty was made in because we overlook the delegates

at Fort Scott.

Q You had heard of the treaty before you left there? A As soon as we arrived at Fort Scott and talked to them, and they told us they had made a good treaty.

Q And you came on down and he came with you? A Yes, sir.

Q Did you bring your families at that time? A I didn't have any family then.

Q The rest of the people, they come along? A Yes, sir, I was small myself, I was with father, we came and built and went and moved some of them after that.

Q How long did you stay down there at this time? A I didn't stay long, I couldn't tell you just how long we really stayed, we didn't stay only long enough to find claims and cut logs and build shanties.

Q Who lives up there at the place that you located, now? A Reuben Sanders lives right where I built my house, he is living there to-day

Mr. Bell: Where did you start from when you started from Kansas down to Big Creek? A Started from a little creek six miles south of Mound, said to be about twenty miles north of Fort Scott.

Q Had you started to the Cherokee Nation when you came across these delegates at Fort Scott? A Yes, sir.

Q What was your notion about starting? A I had been down here and looked through the country and went back and told them the war was over here as well as everywhere else, and let's come home.

Q You hadn't started then with a view to saving your rights here under the treaty? A We didn't know nothing about the treaty, it wasn't made when we started as we knowed of, until we got to Fort Scott, and we saw the delegates.

Q What time was that? A Along in the last part of July, the last week in July, as near as I can remember.

Commissioner: When Aaron says he came in March he is mistaken?

A He is mistaken, he don't know dates; he is not bright enough to know dates.

Abraham Hare, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Abraham Hare.

Q How old are you? A About 70.

Q What is your post office? A Wymer.

Q Are you a Cherokee Freedman? A Yes, sir, claim to be.

Q Your name is not on the roll of 1880, is it? A No, sir.

Q Were you a slave? A Yes, sir.

Q What was your owner's name? A Arlie Hare.

Q Do you know Aaron Webber? A Yes, sir.

Q Was he a slave? A Yes, sir.

Q To whom did he belong? A Takie Webber.

Q Well, did you know Aaron Webber before the war? A Yes, sir.

Q Did he go out of the Cherokee Nation during the war? A ~~No~~ Yes, sir.

Q Did you go out? A Yes, sir.

Q What made you colored people go out during the war? A We couldn't stay here.

Q Thought it was safer to go out? A Yes, sir, I had to go out.

Q Why couldn't you stay here? A They wouldn't let us.

Q Who wouldn't let you? A The Rebels and the Yankees neither one.

Q Where was Aaron Webber during the war? A He was with ~~us~~ his father up in Kansas.

Q When did he come back? A He come back in the fall of '66.

Q How do you know? A I come with him.

Q And you came at that time? A Yes, sir.

Q Have you known Aaron Webber since that time? A Yes, sir.

Q Has he always lived in the Cherokee Nation? A Yes, sir, lives right by me now.

Mr. Hastings: Your rights are disputed? A Yes, sir, same as his.

Q You were in here this morning; your case was presented?

A Yes, sir.

Commissioner: Aaron Webber applies for the enrollment of himself as a Cherokee Freedman. His name does not appear upon the authenticated roll of 1890, but does appear upon the Kerns-Clifton pay-roll. By reason of the protest of the Cherokee Nation the name of Aaron Webber will be placed upon a doubtful card awaiting further consideration of the Commission.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 10th of May, 1901.

C. R. Breckinridge,

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 29th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe Ross
C. F. D. 350.

Appearances:

W. W. Hastings for the Cherokee Nation.
Mellette & Smith for the applicants:

DOUGLAS WALKER, being first duly sworn by Commissioner C. R. Breckinridge, testified as follows for the Cherokee Nation.
(By the Commission)

- Q Give me your full name? A Douglas Walker.
- Q How old are you? A 50.
- Q What is your post office? A Mound City, Kansas.

(By Hastings)

- Q How long have you lived in Mound City, Kansas? A Since May 1857.
- Q What was your father's name? A James Walker.
- Q What was your mother's name? A Miami Walker.
- Q Was your father and mother here the first of the month? A Yes sir.
- Q They testified in this matter at that time did they? A Yes sir.
- Q Do you know Samuel Webber? A Yes sir.
- Q Did you know his son Samuel Webber? A Yes sir.
- Q Where did you know them? A Near Mound city, Kansas, in the neighborhood where I live.
- Q Do you know the applicant here, Joe Ross? A I knew him as Joe Webber.
- Q Is the the same fellow? (pointing) A Yes sir.
- Q Where was he living at the time? A He lived with the older Sam Webber at the time.
- Q You know this applicant here is the same party? A Yes sir.
- Q Did you know a woman named Chlora? A Yes sir.
- Q What relation was she to Joe Ross? A Sister.
- Q Did you know Aaron Webber a little duck legged fellow? A Yes sir
- Q Where did you know him? A In the same family in Mound City, Kansas, Linn County.
- Q Whose farm did Samuel Webber live on, if you know? A He lived on a farm that belonged to a man named Jeff Flemmings.
- Q I mean in the year 1866? A My father bought the farm.
- Q Of whom did he purchase the farm? A Of Flemmings.
- Q Do you know where young Sam Webber was married? A He was married there in Linn County, near Mound City, in the neighborhood there, where I was living.
- Q Did he marry before or after he moved from that country? A Before he moved.
- Q Mr. Walker, have you looked up the date of when your father purchased that farm? A Yes sir.
- Q The date of the deed? A Yes sir.
- Q What was that date? A The date of the deed is October '66.
- (By Mr. Smith) Object to that if you have not the deed.
- (By Mr. Hastings) Have you looked up the date? A Yes sir, but have forgotten the exact date as to days.
- Q At that time, where was Sam Webber living? A On this farm that father purchased.
- Q Where was young Sam living, at the time he married? A On this farm on the same place.
- Q What is your best judgment as to the time Sam Webber, including Joe Ross, Chlora Grayson and Aaron Webber left that country with their women folks and come to this country? A According to my best recollection it was the latter part of February or early in March of '67, I can't state exactly the month; early in the spring of '67 though.
- Q Did they all move down at the same time? A All started together.
- Q left there together? A Yes sir.
- (By Mr. Smith)
- Q You say you know that this applicant in this case is the same man that you knew at that time in Kansas as Joe Webber? A Yes sir.
- Q How did you know it? A I recognized his countenance as one man knows another.
- Q How? A Well I saw him.
- Q When? A To day.
- Q Where? A On the street.
- Q And you knew him as Joe Webber? A Yes sir, the name Joe Ross was not used much.
- Q When did you first become acquainted with old man Sam Webber? A In '63 he moved on that farm.
- Q Which farm? A The farm my father bought in the neighborhood where I lived, the old Flemming farm.
- Q When did your father buy that farm? A In the fall of '66, I have forgotten the exact day, in October or September.

Q Who owned the farm at the time old man Sam Webber was on it? A Jeff Flemming owned it until my father bought it.

Q How do you know it was '63 that you became acquainted with Sam Webber? A I remember that it was during the last years of the war and the refugees were coming into Kansas, both white and black, in '63 and they were amongst them.

Q Did any come after '63? A Yes sir some came later and some come earlier, and I remember again by this farm, I remember how long they farmed it before we got it.

Q How long? A Three years--four years in the spring of '67.

Q They farmed it four years before your father got it? A They farmed from '63 to '67.

Q You say the reason you knew that you knew this man in '63 was because you knew how long they worked this farm before your father got it? A Yes sir.

Q You say it was in September of 1867 that your father bought that farm? A In '66.

Q You are positive about that? A Yes sir we got possession the first of March '67.

Q Did old man Sam Webber rent this place from your father? A No sir he rented it from Flemmings.

Q Did Sam Webber, the old man and the boys, come down here or leave that country in the fall of '65? A I think not.

Q Dont you remember that they did and that the old man came back by himself one time? A If my memory serve me, it was in '66, late in the summer, or early in the fall of '66.

Q What was in the fall of '66? A That they came down here--started away from there.

Q Who came then? A Sam Webber, the old man, and young Sam and Aaron.

Q What is your recollection as to how long they staid? A They came back I think in November or late in October.

Q Well which came back first? A Why I think the older Sam Webber came first.

Q How long do you think it was before you saw Sam Webber Jr. again? A Well, it was a short time, a month or so--I can't recollect that, it is a good while ago.

Q Who helped Sam Webber make a crop in '66? A Johnson Webber and the old man Sam made a crop in '66.

Q Who helped him? A Them two and the little boys I think worked too; Aaron did, I dont know but as Joe did too, I dont remember much about that.

Q Where was old man Sam Webber in July 1866? A That summer he raised that crop and worked part of the summer for my father on this farm.

Q Is it not a fact that in July of 1866 that Sam Webber Jr. came here for his father and that they left there for this country to build some houses? A That is not the way I remember it.

Q You have stated that it was a long time ago, do you think that you remember the dated absolutely? A Not to the day or month exactly, but that is my best recollection.

Q Are you testifying to the best of your recollection? A Yes sir.

Q Do you remember of Sam Webber Jr. bringing any hides to that country? A Yes sir.

Q When was that? A In the fall or beginning of the winter of '66 and '67 he brought some hides and furs.

Q To refresh your memory, was it not in March? A March when? A '66? A No sir.

Q Upon what trip was that that he brought those hides? A He left and said he was coming down on a hunting trip.

Q Was that the trip when he left Kansas and when old Sam returned first that you spoke of a while ago? A Yes sir, that was the one, the same trip.

Q Do you remember of Sam Webber selling out a crop up here? A I dont.

Q Do you remember of them leaving there to come to the Territory to build some houses? A Yes sir.

Q Was that after the time that he brought the hides there? A It was that trip that he left there for the purpose of building some houses that he brought the hides when he returned.

Q Dont you remember of them leaving there to come to the Territory for the purpose of building houses? A Well that was wither in the spring or winter, in the latter part of February or early in March I have not given the matter any considerable study.

Q How do you fix the dates you have given? A I remember them and then by the dates I have looked up.

Q What dates have you looked up? A The purchasing of this land.

Q Are you testifying from the date of the purchase of that land? A Father bought the place in the spring of '66 on condition and paid \$80 down, or traded cattle, as a forfeit, and in the fall he got some money and got full possession of the place; Webber had possession until the first of March, that is the Kansas law, from the first of March one year until the first of March the next year; they had possession of it until March first 1867.

Q Mr. Walker, when you had occasion to investigate this matter, you had forgotten all about it practically hadn't you? A No sir, but it was something I had not thought much of.

Q You couldn't have told on the moment what year Sam Webber left there could you? A I would have had to look at the dates.

Q Then you are not testifying from your recollection, but from the dates that you have looked up since? A Part of it is from recollection and part of it is from looking up the dates.

Q How long has it been since you thought of the time Sam Webber left that country before you made this investigation? A I was asked the question as to when they moved and I hadn't given the matter any thought till then.

Q You didn't know then did you? A Yes sir after I thought it over.

Q How long did it take you to think it over? A I dont exactly remember.

Q Can't you give us some idea of it? A 2 or 3 weeks.

Q Were you here when your father testified in this case? A Yes sir

Q Did you know as much about it then as you do now? A No sir.

Q How long was that from the time you had first been spoked to about the date? A I had not expected then to give testimony in this case and had not thought much about it.

Q What were you doing here then? A I was subpoenaed in another case.

Q You had been talking about this case then? A Not much.

Q How much? A A word or two.

Q And you were here all the time your father and mother were her and yet didn't testify in this case? A Yes sir.

Q You went back to Kansas? A Yes sir.

Q And came back here again to testify? A Yes sir.

(By Hastings)

Q You were subpoenaed by the Cherokee Nation? A Yes sir.

(Continued by Stenographer J. O. Reason)

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Tribes, he reported in full the above cause and that the foregoing is a true and complete transcript of his stenographic notes therein.

Chas. von Weise

Subscribed and sworn to before me this the 9th of November, 1901.

T. B. Needles,

Commissioner.

The undersigned, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that the same is a true and complete copy of the original.

Roy Palmer

Subscribed and sworn to before me this the 14th day of August, 1902.

Arnold C. Jones
Notary Public.

Before Commissioner Breckinridge, at Tahlequah, I.T., Supplemental G.F.D. -350, Joe Ross.

(By Stenographer: This following testimony was originally taken down by stenographer J.O. Rousson, and afterwards dictated by him to stenographer M.D. Green.)

--00--

HENRY C. SHORT, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Henry C. Short.

Q How old are you, Mr. Short? A 48.

Q What is your post office? A Mound City.

Q In the Cherokee Nation? A In Kansas.

BY MR. HASTINGS:

Q How long, Mr. Short, have you lived in and about Mound City, Kansas? A Well ever since the spring of 1857.

Q What was your father's name? A John Short.

Q Were you living there in the years '66 and '67? A Yes sir.

Q Were you living in town or in the country? A Living in the country.

Q Do you know Douglass Walker that left the stand? A Yes sir.

Q Did you know a colored man by the name of Sam Webber up there?

A Yes sir.

Q Do you know that young Sam Webber, his son? A Yes sir.

Q Do you know Joe Ross? A Yes sir.

Q This is the man there? (Pointing to the applicant.) A I wouldn't have known him unless he had been pointed to me. They always called him Joe; I don't remember about him being called Joe Ross up there.

Q Have you talked to him? A Just spoke to him.

Q Did he recognize you as being the man? A He recognized me as being Short by telling him who I was and where I was from; he claimed that he was one of the boys.

Q Do you know Aaron Webber, a little duck legged fellow? A Yes sir.

Q Where did you live in the spring of '66? A In Linn County, on Elk Creek, in Kansas.

Q Did you live on the same place in the fall of '66? A Yes sir.

Q Did you live in the same house? A I lived in the same house now that I moved into in the fall of '66.

Q Well now what time in the fall did you move into it? A Well now it was the last of October or the first of November, I wont say which; along about in them times I moved, that is my folks moved; of course I was small, I moved there after that from the west part of the place to the east part of the place.

Q Do you know where Sam Webber was at that time? A They lived then at that time in the fall of '66 they lived on the place known as the Fleming place, adjoining farms of ours.

Q Were they living there when you moved? A That fall?

Q Yes sir? A They were living there then.

Q I will ask you what is your best judgment as to the time they moved with their families and left that country? A Well I could not say just how, for I have got nothing to fix them dates. The best of my judgment they left there in February.

Q February now of what year? A Of '67, I would say that, but now I aint certain, I aint got no opinion about what time they left.

MR. SMITH: Now I move to strike out the testimony to that effect, because the witness says that is his opinion.

Commissioner: We will take it for what it is worth and let the Commission pass on it.

BY MR. HASTINGS:

Q That is your best judgement? A Yes, sir.

Q That is your best recollection? A (No response.)

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Q You said I believe you knew they were there in the fall? A Yes sir, that is all I can state positively, I don't know how long they were there.

Q You know that by your move? A Yes sir, that is the one thing I have got you know.

Q Do you know Joe's sister, Chlora? A Yes sir, there was a girl there called Chlora, I supposed it was Joe's sister.

BY MR. SMITH:

Q Mr. Short, how old were you in '65? A About 13 years old, September 5, 1866.

Q Now when were you first asked as to the time when Sam Webber left that country? A When was I asked first?

Q Yes? A I think it was last Sunday.

Q Tell you didn't know did you? A No, I don't know yet what day he left there at all.

Q Did you have that opinion then? A Yes, I have the same opinion I got now; it was the best of my opinion they left in the spring; I got nothing to say they did or did not.

Q Where was Sam Webber, Jr., in February 1866? A I don't know.

Q Where was he in October, 1865? A He was on the creek.

Q Did you see him? A Yes, he was there; he hadn't moved; he come down here and went back again in the fall; and the whole family was all there in the fall.

Q What was in the fall of 1866 was it? A Fall of 1866.

Q I am talking about 1865? A Well they was there too.

Q Did you see him? A Yes, of course they was there.

Q Of course, well how do you know, did you see him? A Yes I saw him.

Q Where did you see Sam Webber in the fall of 1865? A Oh I don't know; he worked some for us.

Q Did he work for you in the fall of 1865? A Worked for my grand-father some.

Q What young Sam Webber? A Yes, sir.

Q You say you knew young Sam Webber, the younger of the two?

A Yes, sir, I knowed young Sam and old Sam too.

Q Did you know young Sam Webber, called Sam Webber, Jr.? A Yes sir, of course it has been a long time from the time I saw him, from the time he left there until I come down here; saw him the first time as soon as I moved there.

Q What did you say about his being a boy? A I suppose he was a young man, I couldn't say as to that.

Q What about Joe Ross, was he a boy? A Yes sir, Joe was younger than me if I am not mistaken. Wasn't much difference in the ages, but I think he was younger than me.

Q Now is it not a fact that Sam Webber and his father old Sam Webber and Aaron Webber came to the Cherokee Nation in the fall of 1865?

A I think not, I don't think they did; they was there in 1865, but they was going and coming all the time; they come down in 1866 and located.

Q They came in 1866 and located? A Yes sir, but they come back and got their family.

Q Now you know only that they were there in 1865? A I know they were there in '66.

Q You don't know what time in '65 they were there? A They were there before '65.

Q Well I am talking about '65; were they there in the spring of '65? A I couldn't say what time of the year; I think they were there all the time.

Q You don't know whether they were there all the time in 1865 or not? A No sir, I couldn't say that they was.

Q Do you remember Sam Webber Sr. and Sam Webber Jr. and Aaron Webber coming down to the Cherokee Nation at any time? A They come down in the summer of '66 I think, directly after crops was made; they come down here and they went back up there together in the fall.

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- Q Well did they ever come back together? A I don't know whether they did or not, Aaron didn't come back I don't think.
- Q What about Sam Jr., did he come down with his father? A Yes sir, I don't know whether Aaron came back or not; I know Sam and the old girl came back and got the family.
- Q Do you know that they came back together? A Yes, I am pretty sure that they came back, I know I saw them afterwards.
- Q Do you remember of Sam Webber Jr. ever bringing any hides into the country? A No sir, I don't remember; I remember Sam telling me he had his cabin up.
- Q When did he tell you he had his cabin up? A In the fall of '66.
- Q He had been down here in the fall of 1866 and had built a cabin? A Yes sir, he told me he had his cabin built.
- Q And now that finally came when they took all the people out you think was in what time? I don't know, but it runs in my mind in February or March; I won't say anything about that.
- Q What year? A '67.
- Q You say you won't say anything about that? A I don't know whether it was or not.
- Q You don't know whether it was or not? A No sir, that is a fact; but it runs in my mind it was.
- Q There was Sam Webber during the winter of 1865 and '66, the winter that commences with December, 1865 and ends with February 1866? A I think he was there.
- Q Well, did you see him there? A Yes, I think he was there pretty much all the time.
- Q Well do you know it? A I got no way to fix it; that's my opinion he was there.
- Q You can't state it positively that he was or was not? A I know what of them see them and I believe he was too.
- Q You can't state that positively? A No sir, not unless I got something to fix the date.
- Q You won't say that? A No sir.
- Q Now did you remember about Sam Webber coming up there in the spring of 1866 and bringing some beef hides? A No sir, I can't remember; of course then dates is a long time ago; how I have got these things fixed in my head that was in the fall of '66 I was moving from one farm to the other, and that was in the fall.
- Q You didn't go out of that farm? A No sir, just moved from the west to the east side.
- Q And you were a boy about 13 years old? A Yes sir.
- Q What is there in that to fix the date in your mind it was in 1866 say more than 1865 you moved? A I know we moved from the things that occurred; the death in the family of a young man that was there; I know it was '66.
- Q Now about that now about the deaths in the family? A There was a young man died in the family in '67, I think after we moved there it must have been from the things that he did when we moved from one house, but he didn't move to his house at all.
- Q You don't seem to be positive about any of these dates you give?
- Q Why I do, when the family moved over, remember that fact, I mean about Webber's movements? A They was all there in the fall of 1866; they was all there in October or November one of the no months; because we moved then.
- BY MR. HAMILTON:
- Q So, you never missed them up there in 1866 did you? A No sir.
- Q MR. HAMILTON: I object to that; it is not competent whether he missed them or not.
- Q Did you ever miss them up with the number of hides? A No sir, I have no recollection of them leaving there that.
- Q That is your first recollection of them leaving? A Yes, sir.
- May I. Hicks, being sworn and examined by Commissioner Brooks, testified as follows:

Q How do you sign your name, Madam? A Mary A. Hicks is the way I sign my name.

Q How old are you? A If I live to the 21st of next month I will be 6 years old.

Q What is your post-office? A Mantey.

Q Is that in Kansas? A Yes sir.

BY MR. HARRISON:

Q How far do you live from Grand City, Kansas, Mrs. Hicks? A I live six miles.

Q How long have you lived in that neighborhood? A Ever since the spring of 1857.

Q You were living there then after the war? A Living there in the time of the war.

Q Do you know Mr. Walker, Douglass Walker, that has been on the stand? A Yes sir.

Q Do you know Mr. Short that left the stand here? A Yes sir.

Q Mrs. Hicks, did you know of a man up there by the name of Sam Webber? A Yes sir.

Q How far did you live from him just after the war? A Well I think it was about 175 steps; they used water out of my well.

Q Did you know his son, young Sam Webber? A Yes sir.

Q Well did you know a little short one called Aaron Webber? A Yes sir.

Q Did you know a boy called Joe Rose? A Yes sir.

Q Have you seen any of these parties since you have been here this time? A Why I met Joe Rose down there; he said he knew me and come up and shook hands with me and I saw Sam Webber.

Q I will ask you to look if this is the same parties now? A Well I tell you Rose don't favor himself so much, but Joe he is just like his father and I knowed him because he is just like his father; well old uncle Sam was older than Sam is of course.

Q I will ask you if you had any deaths in your own family in the fall of '65? A Yes sir.

Q What was the date of it? A The date of the death?

Q Yes, madam? A Well it was October.

Q Did you make any record of it in your Bible? A Yes sir.

Q Is this your Bible? A I reckon it is; if you will let me look I will tell you.

Q Look at it and see if this is your Bible? A I think it is, but I can't read it, I haven't got my specs.

Q You haven't got your specs? A No sir.

Q Well of the family record here of births and deaths appear this: "Franklin Hicks, was born November 7, 1854." A Yes sir.

Q And under the column of deaths appears: "Died October 23, 1866"?

A That is correct.

Q Who was Franklin Hicks? A He was my son.

Q Do you know where Sam Webber was when your son Franklin died?

A No sir, I could not tell you.

Q Don't know? A No I don't; you mean this Sam?

Q That man? A Oh, the old gentleman; he lived up there by me I think; I am most positively he lived there then.

Q Do you know where his wife was? A His wife died there.

Q Well do you know whether she was dead at the date of your son's death? A Yes sir, she died I think before he died; there was an old lady, they called her old Aunt Rhoda, living.

Q She was living? A Yes sir.

Q Was she a member of this family? A Yes sir, she lived there with them.

Q Well do you know whether she was there during the sickness of your child? A Yes sir, she sat up with me several times, and if it was a bad night and she saw no one came in she would come and sit up with me.

Q Did you know a sister of Joe's called Charity? A Yes sir.

Q Now I would like to have your own judgment Mrs. Hicks as to the time Old Sam Webber moved with his family and children from that country? A

MR. SMITH: The applicant objects to the witness giving her opinion as to the time when this sickness took place, because it is not the subject of their expert or opinion evidence.

COMMISSION: I understand the question to be her best recollection.

A It has been a long time you know.
Q Well, answer the question? A About his being there?
Q I want to know, the question is, what is your best recollection as to the time Sam Webber and his family, when he left Kansas with his family? A

OBJECTOR to by applicant.

A Well my best recollection was that, I could not be positive of course, but I think it was in February or March, one or the other. The best of my recollection, because the old lady, old aunt Rhoda and uncle Cy, that was her husband, they both was old and feeble and I think old uncle Sam stayed there on that account more than anything as long as he did.

Q Well now that would be February of what year? A It would be '67 wouldn't it?

Q You lived then about 175 yards of them? A Yes, sir, I could hear them sing over there and hear them laugh and talk to my house.

Q On whose place were they living? A Well they was living on Mr. Walker's place then.

Q Had he recently purchased it? A Yes sir.

Q Do you remember who he purchased it of? A I think it was a man by the name of Fleming; I think it was Fleming's owned it.

BY MR. SMITH:

Q About how long, Mrs. Hicks, had Mr. Walker owned this place at the time these people lived there? A Well I couldn't answer that question.

Q Well you could tell whether it had been a few months or whether it had been a year or two? A It was, I suppose it may be quite a while I couldn't tell you.

Q You remember that Mr. Walker owned a place there? A Of course I know he had charge of the land; I think Mr. Walker bought it from Mr. Fleming if I ain't mistaken.

Q And you know these Webbers were living on the Walker place?

A Yes sir.

Q Well now what is your best recollection as to how long Mrs. Walker had owned that place? A I don't know, I won't pretend to say anything I don't know; I don't want to meddle with, I didn't come down here to criticize or anything about it, I want to tell the truth as far as I can.

Q Where was young Sam Webber in December, 1866, and up until January or February of 1867? A I could not tell you where he was, I think Sam worked out some around; I couldn't tell you whether he was at home all the time or not; I could not tell you.

Q Where was young Sam Webber at the time your child died? A I couldn't tell you that; this one?

Q Yes? A I don't know.

Q He was not there was he? A I don't know, I couldn't say as to that.

Q Do you remember old man Sam Webber and young Sam Webber and Andy Webber and others leaving the Sam Webber and others leaving that community in 1866 and coming down to the Cherokee Nation? A I recollect only Sam coming down here, I don't know, I won't be positive, I guess though it was in '66.

Q Well about how long ago, your best recollection, before this date in the Fall of '66, had you spoken of? A I don't know.

Q Don't know? A No I don't, but I recollect about it, he brought me back some wood and some other things.

Q Do you remember young Sam Webber coming down to the community?

A No sir, I didn't connect in mind with anything like that.

- Q Well now give me some idea, Mrs. Hicks, about the time old man Sam Webber started off on this trip to the Cherokee Nation in 1866 that you testified about? A Why I don't know; he came in the fall I reckon.
- Q You don't know whether it was fall summer or spring? A No sir, I don't.
- Q Well how is it you have no better recollection of this very time that you mention he came than you have of the first time? A I know he was there when that child of mine died.
- Q And you don't know how long after that? A No; they went along the latter part of the winter, but I don't know what time; I think though it was in February or March.
- Q You couldn't be positive whether it was February or after Christmas could you? A I don't think it was before Christmas.
- Q You don't think that was? A No I don't; for several facts.
- Q You can't state positively whether it was before or after Christmas, you can't answer it? A I wouldn't want to swear it either way.
- Q Where did you move from this place that you live? A Where did I move from.
- Q How long have you been living at this place now where you lived when your child died? A I have been living on the place ever since the spring of '57.
- Q About how long did you remain on the place? A I stay there yet, when I am at home; my husband is dead.
- Q Do you know how many trips Sam Webber made to the Cherokee Nation before this time that he came away from there the last time? A No sir, I don't.
- Q You know of his coming one time? I know him and his father and I think Aaron, and I don't know whether Joe was along or not.
- Q Well is this Joe? A Well of course, oh that one, Joe Webber, that one sitting there?
- Q Yes? A I think it is.
- Q Which one of them don't look familiar? A That one, he was nothing but a boy when I knew him.
- Q Which one, the one right here, the black one? A Yes sir.
- Q What is his name? A Joe we always called him.
- Q And what is this man right here? A Sam, that is the way we always called him.
- Q You think that is the man you knew up there in Kansas? A This Joe? A I don't know, he says it is; he was nothing but a boy when I saw him.
- Q You don't recognize him then? A Hardly, I wouldn't know; he says he is the man; I used to think he was a very good boy when they lived there, but then he had grown out of my knowledge.
- Q You don't know where old man Sam Webber was in July '66 do you? A No sir.
- Q You remember anything about young Sam Webber coming for the old man and the family in July 1866? A Well he might have come after them but they didn't come down here in July.
- Q You don't know when they did come? A Why I think they come sometime in the latter part of the winter, but I say I would not be certain what month it was, in February or March.
- Q You went to be certain it was either of them? A I say they left, I was there and saw them start.
- Q You would be certain it was either February or March? A I think they did.
- Q You think so? A Yes sir.
- BY MR. HARRIS:
- Q I was going to ask you if you knew about young Sam Webber marrying? A They said he married; I didn't see it done.
- Q Did you hear of his marrying up there? A Yes sir.
- Q Was that before or after he left? A It was before they left.

JANE SPEARS, being sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your full name? A Jane Spears.
Q How old are you? A I am 46 years old.
Q What is your post office? A Mound City.
Q In the State of Kansas? A Yes sir, Mound City, Kansas.
BY MR. HASTINGS:
Q Mrs. Spears, was Mrs. Hicks who left the stand your mother?
A Yes sir.
Q How long have you lived in and about Mound City, Kansas, I mean in the neighborhood? A Well I came there when I was about a year old.
Q And you have lived there ever since? A Yes sir, well since I have been married I have just moved one mile north.
Q You moved a mile north of your mother? A Yes sir.
Q Do you know Douglass Walker? A Yes sir.
Q Do you know Henry C. Short? A Yes sir.
Q Do you remember at an early date just before the war some colored people that lived up there; one of them by the name of Sam Webber?
A Yes sir.
Q Do you remember his son Sam? A Yes sir, I know him.
Q Were you living with your mother at that time? A Yes sir.
Q Did you know Joe, that was living with them, Joe Ross? A Yes sir.
Q Have you seen any of these parties since you have been here this time? A I met them to-day.
Q Talked with them some? A Well I just spoke to Joe; Sam I did not
Q Did he recognize you? A Well he let on as though he did; I dont know that he did; I suppose he heard we were here.
Q I will ask you if this is your mother's family Bible? A Yes sir.
Q That is the family record of the births and deaths? A Yes sir.
Q I will ask you if you had a brother by the name of Franklin Hicks?
A Yes sir.
Q Do you remember the date of his death? A Yes sir, October 23, 1866.
Q I will ask you if you know where the Webber family was living at the time he died? A Yes sir, they were living there.
Q About how far from your mother's? A About 175 steps I suppose, in a cabin.
Q Short distance? A Yes sir.
Q Did you know Aaron Webber, a little short legged duck legged fellow? A Yes sir.
Q I would like to know from you Mrs. Spears your best recollection as to the time old man Sam Webber left that country permanently with his family? A -
BY MR. SMITH: The counsel for the applicant objects to that question, because it is incompetent and calls for the opinion of the witness.
COMMISSIONER: The Counsel for the applicant has put a number of questions in the same form and asked as to their best recollection that exists; it is entirely competent to give the best recollection and belief in regard to the facts.
Q My best recollection is that it was in the spring of '67, either February or March.
Q Did you know whether or not young Sam Webber married up there?
A Yes sir.
Q Did you know whether that was before or after they left there?
A That was before they left there.
BY MR. SMITH:
Q Mrs. Spears, did you know of Sam Webber, Sr., leaving that country and coming to the Cherokee Nation, or leaving that country for the Cherokee Nation before the time you mention? A He came in the fall I think, or summer sometime and got a claim I think.

- Q Fall of what year? A '66, and then come back.
- Q Now do you remember young Sam Webber's coming back with reference to the time Sam Webber Sr. came, who came first when they returned from this trip looking for claims you speak of? A They came together.
- Q Are you sure of that? A Yes sir.
- Q Where was Aaron Webber, did he come with them? A I don't remember very much about him.
- Q You don't remember whether he did or not? A No, I want be positive whether he came with them or not, when they came after their claims.
- Q Do you know whether the older Sam Webber made the first trip to the Cherokee Nation after the war? A Well it was in the fall of '66 I guess, about that time, either summer or fall.
- Q Either summer or fall? A Yes sir, sometime along in the summer or fall.
- Q Might not it have been the late spring? A No, it was not, because he made his crop there and then came afterwards.
- Q Made a crop in '66? A '66.
- Q What did he do with that crop? A I suppose he put it up here, disposed of it.
- Q Do you know whether he sold it or not? A No I don't know whether he sold it or not, I think they fed it to their stock before they left.
- Q Where was Sam Webber Jr. in December 1865? A I don't know where he was at.
- Q Where was he in January and February of '66? A January or February of '66, I can't say.
- Q Where was he in July of '66? A I don't know where.
- Q Do you have any recollection of Sam Webber Jr. coming there after his father in July '66? A No sir.
- Q Do you have any recollection of Sam Webber coming there at any time with any hides, beef hides or any kind of hides? A No sir.
- Q Where was the old man Webber living in the year of 1865? A He was there living close to my mother's farm I speak of.
- Q In 175 steps of you? A Yes sir.
- Q And you don't remember of his coming there at any time off of a trip except the time he came back with his father? A He went to Fort Scott I guess, I never tried to keep any trace of his whereabouts.
- Q Now what makes you think it was in February of March '67 that these people left there? A Well I have all reasons to believe that circumstances about it; well the old darkey had a cane patch and the darkey boys trapped on the land that winter.
- Q Who did? A These darkey boys, the Webber boys.
- Q Did what? A Trapped for game that winter on the patch of cane where we had left the seed on the corn.
- Q That the winter that commences December and ends February, December, '66 and February '67? A It was all in that winter of course.
- Q Well the winter is pretty well over by the last day of January isn't it? A Not always it aint.
- Q Well the bigger part of it; two months is gone isn't it? A No sir, not in our country.
- Q How many months do you have in the winter there? A Some winters we have pretty hard and some winters we don't have much.
- Q So that as a matter of fact the fact that they trapped there on your place during the winter would not by itself lead you to believe that they didn't leave there until February or March? A Well it was along toward spring they left; that is the best of my knowledge.
- Q Now in what way do you fix the date, you speak of your people there, is that the way you fix the date, by that? A No sir, I fix it by memory, of course that is the way by the people, of this child's death; they were then; that is, the family were, I don't re-

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member so much about the men; there was an old lady that moved down here with the men that sat up with my brother in his sickness.

Q Do you remember Sam Webber bringing you any sassafras and spice switch up there? A Yes sir.

Q When was that? A That was the first time they came down.

Q When was it? A That was in '66.

Q What month? A I don't know.

Q Can you state within two months of the time? A No I don't know as I could.

Q Can you remember that as well as you could the other time? A (No response).

Q You know that they were gone from there before the spring of '67, and it must have been in '66 they brought the sassafras? A Yes sir.

Q What was it, sassafras roots? A Yes sir.

Q That must have been in the spring? A I don't know.

Q Well they don't make sassafras in the fall? A We used it for tea

Q It was not in the spring at all Sam Webber brought the sassafras?

A No sir, it was not; he didn't bring it at all; the old gentleman brought it.

Q Well now as a matter of fact do you remember any one of these people being there at the time your brother was sick and died except the old woman Rhoda? A Well this family was there on the place; I don't remember them being there.

Q Well if they were you tell me who you saw except Rhoda the old woman? A Well I don't know as I remember. There was Johnson's wife, of course I don't just remember who was there, I was just a child then; there was a great many of the neighbors in, but I remember the old lady, sitting up with my brother at the time he was sick.

Q Now isn't it a fact that the old lady Rhoda is the only one you remember being there at the time? A No sir.

Q Now who else was there? A Chlora was there.

Q Well now name some other one; all you know that was there? A I don't know, I don't remember them, there was hardly any day but what they was there, some of them.

Q Well now what I want to know, who was there except this woman, Thoda? A I don't know anything about that.

Q You don't know? A No sir.

Q How many trips did the Webbers make down here to this country, do you know? A They came once and got claims and came back and went again.

Q All you know of? A Yes sir.

Q If they name others you don't know it? A No sir, I don't know anything about any more trips they made.

Q Now when was this entry in this Bible, the date of your brother's death, made, was that made at the time? A Just when he died?

Q Yes? A I don't know as it was, I suppose about the time.

Q Well about when, do you know who wrote that? A I know who wrote that?

Q That is what I am talking about? A This was drawn off from another Bible.

Q You don't think that this entry, "Lizzie Bell Lewis, born September 1st, 1868" is in the same handwriting that this is do you?

A No sir.

Q You don't know that this is in the same handwriting? A No sir, it is not.

Q Now who wrote that date, October 23, 1866? A Park Nichols.

Q Well now can you tell me how nearly at the time of your brother's death that entry was made? A No sir, I could not.

BY MR. HASTINGS:

Q How long has this Bible been in your mother's possession? A I can't tell.

Q Has this entry been in here a long time to your knowledge? A Yes sir, it has been several years.

Q It was in there long before any investigation came up wasn't it?

A Yes sir.

BY MR. SMITH:

Q Didn't Sam Webber and his father come down here in '65? A If they did I never missed them from home.

Q If they came here you didn't miss them? A No sir.

MARY A HICKS, re-called for additional cross examination.

BY MR. SMITH:

Q Mrs. Hicks, when was the entry upon this Bible you have with regard to the date of the death of your child made with reference to his death? A Well I don't just remember when it was, it was not long.

Q Was it put there at or about the time he died? A Why it was not long after he died.

Q Well give us your best judgment as to how long? A Well he died that fall and I don't know just how long it was.

Q Well was it as much as a month? A I won't say sir.

Q You can give some idea? A Well I tell you now, I won't say anything when I don't know anything.

Q I thought probably you might know better than I do, as I know nothing about it? A If I knew when I set it down I would recollect it; I have had a good deal of trouble about it.

Q I don't want to cause you any trouble about it, but I would like to know, it is some importance in this case? A There was a young man working for us that set it down.

Q What was his name? A His name was Nichols.

Q Do you remember how long after your child died before Nichols went to work for you? A No sir.

Q Well when it was set down what was it set down from, your recollection? A Why I had a husband then and all of us recollected it, who wouldn't recollect it?

Q I am asking you how long it was before this entry was made, if you can tell me? A I don't know when.

Q Do you think it was as much as two years? A No sir.

Q It was not? A No sir, if I should guess at anything about it I should think it was along in the summer sometime, I should think now; afterwards this young man was breaking prairie and of course he broke it in the winter.

Q Was this the first place it was made where it was made here in this Bible? A Yes sir.

MR. SMITH: If the Court please, I want to show by the title page of the Bible that it was not published until in 1869.

COMMISSION: The title page has been examined and it shows that the edition of the Bible in evidence was published in Philadelphia in the year 1869.

BY MR. HASTINGS:

Q Do you remember, independent of the Bible, of the dates of your son's death? A Yes sir.

Q You didn't attempt to give distinctly when that entry was made in your Bible? A No sir.

Q You so stated? A Yes sir.

BY MR. SMITH: I object to that; it is leading.

BY MR. HASTINGS:

The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, recalled, in the case of Jefferson Ross and others, Freedman D-872, be made a part of the record in this case.

COMMISSION: It is ordered that the testimony just taken be filed as supplemental testimony in Cherokee Freedmen Doubtful case 496, the same being the case of Chiora Grayson, and it will likewise be filed in Cherokee Freedman Doubtful case 216, the case of Aaron Webber, and in Cherokee Freedman doubtful case 380, the same being the case of Joe Ross.

It is further ordered that a set of all the testimony

given by Sam Webber in Cherokee Freedman Doubtful case 872, the same being the case of Jefferson Ross, he filed in case Cherokee Freedman D-312 of 200. Ross, and in Cherokee Freedman D-496 of Chas. Grayson, and in Cherokee Freedman D-216, of Aaron Webber.

M. D. Green, being first duly sworn, states that as stenographer to the Commission of the Five Civilized Tribes he correctly recorded the proceedings and testimony in this case, as dictated to him from the stenographic notes of John D. Rowson, by said Rowson, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green.

Subscribed and sworn to before me this November 16th, 1901.

J. C. Starr,

Notary Public.

SEAL.

File with Cherokee Freedman D-

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 22d 1901.

In the matter of the application of Elisabeth Meigs for enrollment as a Cherokee Freedman; she being sworn by Commissioner C. R. Breckinridge, testified as follows:

- Q What is your name? A Elisabeth Meigs.
Q How old are you? A I dont know my age.
Q About how old are you? A I was four years old when we came here with the old settlers.
Q Was that when the Cherokees first moved to this country from the old nation? A Yes sir.
Q That would make you about 71 years old now wouldn't it? A Yes sir I guess so.
Q What is your post office? A Centralia.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir, I do.
Q Who do you want to have enrolled besides yourself? A My children.
Q Have you any children under twenty-one years old? A No sir.
Q They will have to apply for themselves then. A (No response).
Q Have you a husband? A No sir he is dead.
Q Then you only apply for yourself? A Yes sir.
Q Have you lived here ever since you came with the Cherokees in 1837? A Yes sir.
Q How long have you been called Meigs? A Ever since I was nothing but a girl.
Q Were you married to a man named Meigs? A Peter Meigs.
Q Is he dead? A Yes sir, five years ago in September.
Q Was he a Cherokee Freedman? A Yes sir.
Q Were you a slave in the Cherokee Nation before the war? A Yes sir.
Q To whom did you belong? A Reuben Daniel.

The 1880 authenticated roll of the Cherokee Nation examined and the applicant's name not found thereon.

- Q Are any of your family on that roll that you know of? A Yes sir, Alice Sanders is on it, she is a daughter of mine, Alice is.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's daughter identified thereon as follows:

Page 17b, No. 2658, Alice Sanders, Cooweescoowee district.

The 1896 census roll of the Cherokee Nation examined and the name of the applicant not found thereon.

- Q Did you draw your Cherokee strip money? A Yes sir.

The Kerns-Clifton roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:

Page 100 No. 2512, Elisa Meigs, Cooweescoowee district.

- Q Did you ever go by the name of Daniel? A Yes sir them was my owners.

The roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:

Page 132, No., 40, Elizabeth Daniel.

NOTE: Wife of Peter Meigs.

Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon again as follows:

Page 131, No. 2748, Elizabeth Meigs, Cooweescoowee district.

- Q Where were you during the Civil war, did they take you out of the Cherokee Nation? A I was at Fort Scott during the war.
- Q When did you come back? A In the winter of '66.
- Q What time in the winter? A Well it was in the winter.
- Q Was it before Christmas, or after Christmas? A My husband was down here in the Christmas.
- Q When did he bring you down? A In the winter after he went from here on Big Creek.
- Q He came ahead of you then? A Yes sir.
- Q What time did he leave Kansas? A I cannot tell you when he first came.
- Q Did he leave Kansas before Christmas? A Yes sir he came here in the winter of '66.
- Q Did he leave Kansas in the winter? A Yes sir.
- Q Was he down here when Christmas came? A Yes sir.
- Q Do you know how long it was before Christmas before he started to come here first? A No sir I dont.
- Q How long was it after Christmas before he got back to you in Kansas? A Directly after Christmas.
- Q How long after Christmas before you and he started down here together? A Directly after.
- Q He spent Christmas that year in the Cherokee Nation by himself? A Yes sir my husband did.
- Q What members of your family came down with you and your husband? A These children.
- Q Did you bring your child Alice Sanders with you? A Yes sir.
- Q All the children? A Yes sir.
- Q Can you explain why you are not on the roll of 1880? A No sir.
- Q Do you know why you are not on that roll? A No sir I dont know nothing about the rolls.

By W. W. Hastings, Cherokee Representative:

- Q Auntie, what provisions did your husband make after he had been to the Cherokee Nation, to come down here with his family? Did he sell off what you had in Kansas? A Yes sir what little we had, we never had much to sell.
- Q Where were you living in Kansas then? A Fort Scott.
- Q About how long did it take him to get ready to come to the Cherokee Nation after he went back up there? A No time after he got back till we all come here.
- Q Was it as much as a couple or three weeks? A Yes sir I guess so.
- Q And then you started down here? A Yes sir.
- Q Was it in the spring of the year when you reached here? A No sir in the winter.
- Q The leaves were not budding out then on the trees when you and your husband and children got here? A No sir there warent no buds nor nothing on the trees, it was winter I tells you.
- Q You all came in wagons did you? A Yes sir.
- Q Who came with your husband down here when he first came? A Old man Mike Sanders.
- Q Who else? A Reuben Sanders.
- Q Who else? A Daniel Sanders.

- Q Any one else that you remember? A There was little Sam Webber and old man Sam Webber.
- Q Any other Webber's? A Aaron Webber.
- Q Did any one else come down? A I dont remember any one else now,
- Q Were you there when they started down? A We all come together I am a telling you.
- Q But I mean when your husband come on in advance of you. Who come with him then? Did these parties that you have named come with your husband when he first came down? A Yes sir.
- Q You were at Fort Scott then? A Yes sir,
- Q And they all started together? A Yes sir.
- Q These that you have named are all the you can think of at the present time? A Yes sir.
- Q Did they come in wagons or on horse-back that time? A They come in wagons when they first come.
- Q And after Christmas you all came down did you? A Yes sir.
- Q Did you come in wagons then? A Yes sir.
- Q Did you come by a little place called Chetopa? A Yes sir.
- Q Where did you come to in the Cherokee Nation? A I come right where I am living yet when I come to the Cherokee Nation.
- Q And you are living there yet? A Yes sir, that old house was built in '66.
- Q What house? A That one we is living in.
- Q And you are living at the same old place? A Yes sir, in the same old house.
- Q On what creek is that? A Big Creek.
- Q Was any one living on Big Creek when you came there besides your own crowd? A No sir, down on Verdigris there was some living.
- Q You were the advance family or crowd that came to Big Creek were you? A Yes sir, we was the advance guard.
- Q Did you see any one from Chetopa along the road through the Nation to Big Creek when you came there? A No sir.
- Q Did these people who first came down with you husband return with him and then come down again when your family all came after Christmas? A Yes sir.
- Q You all came back together? A Yes sir,
- Q Now Auntie, did any additional people--any other families come down with you? A I dont know who all come down, I am just a telling you what I know.
- Q There was Daniel Sanders, and Reuben Sanders and there was Mike Sanders, and Sam Webber, old and little Sam, they all came with you? A Yes sir.
- Q Did Aaron Webber come? A Yes sir.
- Q And your family? A Yes sir.
- Q Are there any that I missed? A That is all that I gave you.
- Q Is that all that come? A Aaron Wright come with us.
- Q Who else? A (No response).
- Q Were there any others at all? A I am a telling you all that I can think of now, it has been a long time for an old woman like me to remember all that come.
- Q You come to the place that you are living at now did you? A Yes sir and has lived there ever since.
- Q Have you any Cherokee neighbors there now that were old residents? A No sir, there was some lived on Verdigris when we come there.
- Q Who? A Lunie Riley was there on Verdigris, but not where we was living.
- Q How far from where you settled? A I dont know how far.
- Q Was it as much as 4 or 5 miles? A As much as ten miles if you guess at it right.
- Q Were they the closest residents to you at that time? A Yes sir.
- Q Were there any Delaware Indians there when you come there? A No sir I never saw none.

Q Any Negroes? A No sir, never saw none.
 Q You didn't see any body on Big Creek, neither white or black, except those that came with you? A That is all.
 Q And you have been there ever since? A Yes sir, ever since we moved there.
 Q You say your husband Peter Matto built a house there? A There a log house there and he bought the house and he moved to it.
 Q Who built the house if you know? A Henry Harbitt.
 Q Was he a colored man? A Yes sir.
 Q Is he living? A I dont know if he is or not.
 Q Some 3 or 4 years after you came down here your husband went to Tahlequah before the court, didn't he, to see about his citizenship?
 A Yes sir.
 Q They didn't admit him then did they? A I don't know sir.
 Q You know he was disputed? A I dont know nothing about it, I never paid any attention to any such things as that then.

By the Commission:

Q Were you ever admitted by the Cherokee or United States court for Commission? A I dont understand what you say.
 Q Did you ever have your right to be enrolled as a Cherokee citizen before any kind of a court? A Yes sir as was enrolled us before he died.
 Q I mean in court? A That is what I am telling you.
 Q You know what a court is dont you? A Yes sir.
 Q What court do you know? A Heras Clifton court.
 Q Any other court that you know of? A I know of the Wallace court.
 Q Any others? No sir.
 Q Did he ever have anything done about his case by the Cherokee Council? A I dont know what was done, my men went there every year or two but I dont know what was done there.
 Q How long did it take you and these people to come from Kansas to the Cherokee Nation? A I dont know how long we were on the road.
 Q Have you any witnesses with you that you want to introduce?
 A Yes sir.

WILEY SANDERS, called and sworn by Commissioner C. P. Treckinridge, testified as follows on the part of the applicant.
(Examined by the Commission).

Q What is your name? A Ruben Sanders.
 Q How old are you? A I suppose I am about 30.
 Q What is your post office? A Centralia.
 Q How long have you lived in the Cherokee Nation? A All my life.
 Q Were you a slave in the Cherokee Nation when the Civil war broke out? A Yes sir.
 Q Who did you belong to? A James Sanders.
 Q Were you taken to Kansas during the war? A Yes sir.
 Q You have a wife named Alice have you? A Yes sir.
 Q How long have you and she been married? A About 30 years perhaps more.

The 1880 enumerated roll of the Cherokee Nation examined and the name of the applicant's non-Indian identified thereon as follows:

Page 173, No. 2657, Ruben Sanders, Coconawagon District.

Q Did you ever have to carry the question of your citizenship before any court? A Yes sir.
 Q What court? A The Chambers court.
 Q Is that the only one? A Yes sir that is the only one; I was admitted by the Chambers court.

Q Where was it sitting? A At Tahlequah.
 Q In what year was that? A I cannot tell what year it was.
 Q Your citizenship had been disputed had it? A Yes sir.
 Q When was your right to citizenship first disputed? A It was during the time that Thompson Cochran was chief.
 Q Was that before the 1860 roll was made? A Yes sir.
 Q Did the court decide in your favor? A Yes sir.
 Q Was there any dispute made then about your being put on the 1860 roll? A Yes sir.
 Q Were you required to show a copy of the decision of the court in your favor when you went to enroll in 1890? A No sir.
 Q Did they ask you any questions when you went to be enrolled in 1890? A No sir.
 Q Where did they take your name? A I was in Goose-neck Bend, at the time.
 Q Do you know the applicant Elizabeth Meigs? A Yes sir.
 Q Your wife is her daughter? A Yes sir.

By W. W. Hastings:

Q Peter Meigs' citizenship was disputed the same time yours was? A Yes sir.
 Q Did he go before the court at the same time? A No sir, I think not.
 Q His wife's citizenship was also disputed? A I judge so.
 Q Did she go down before that court? A Not to my knowledge.
 Q Did he go down to Tahlequah to the court before that time? A Yes sir I think he went down to the Bob Daniels court, think he went with my father.
 Q Was Bob Daniels Chief Justice of that court? A Yes sir.
 Q Just a few years after the war? A Yes sir.
 Q In 42 was it? A Yes sir.
 Q Was any notice taken in that court? A I dont know.
 Q You were not there yourself? A No sir.
 Q You were about 15 or 16 years old when you come back? A Yes sir I guess so, I dont exactly know how old I was.
 Q You were not married then? A No sir.
 Q How long time after you got back before you married? A Not very long after I got back.
 Q Did you marry on your way down here? A No sir.
 Q How long had you been here before you married? A I have been married twice.
 Q How long had you been here before you married the first time? A. A. Not very long.
 Q As much as a year? A May be so.
 Q Is that your best judgment? A My best judgment is perhaps that it was that long.
 Q When were you married to your present wife? A Upwards of 30 years, or so.
 Q How long did you live with your first wife? A Not very long, she died.
 Q A year? A Perhaps it was, maybe a little longer.
 Q Then you married your present wife? A Yes sir.
 Q When you came to the Cherokee Nation how did you come the first time? A In wagons.
 Q The first time? A Yes sir.
 Q Who came with you? A Several were on horse-back; it is beyond my knowledge how many there were.
 Q Tell all you can remember? A We made a trip in August and one in October and then we moved here in the winter.
 Q Did you come in August? A Yes sir.
 Q Who came with you then? A Some of this family, Peter Meigs and got his place; the heads of those families.

- Q Who else came with you? A My brother Dan and the Whitmires.
Q Which ones? A Several.
Q Which ones? A Mose and Dennis, and the Webbers.
Q Name them? A Old man Sam and younger Sam and little Aaron, and a man named Abe Thurman, and Abe Hair, and I dont know who else, I dont know who all come.
Q Who come when you come in October? A I dont know who all come then, some of that same crowd and some more come in October.
Q Do you remember any additional persons? A To the best of my knowledge the Smith family.
Q What was his first name? A Old man Ceasar Smith.
Q You come in both of the detachments yourself? A No sir.
Q Which one did you come in? A I come in August.
Q You didn't come in October then? A Yes sir, I come when we first come; we brought some of our farming utensils when we come in August and left the on the creek.
Q On Big Creek? A Yes sir.
Q Where Mrs Meigs lives? A Yes sir.
Q And you returned in October, how long did you stay in October.
Q We all didn't return in October, we didn't all go back, some staid in August, some staid and some came back; some of us brought our things with us and some came to look out homes, we all come with the intention of making our homes here.
Q When did you afterwards move here the last time? A In the winter of '66 is when we come down here the last time.
Q What time in the winter? A Long in January.
Q You mean in '67.
Q No in the winter of '66.
Q If you came here in the August and October of '66 and then returned for your families and came back here in the following winter, in the following January or February, that would be in '67? A I dont understand you; we came here in the winter of 66 is what I said, in January after we had first been here in August and October, we came right to where Mrs. Meigs is living now.

By the Commission:

- Q You say you first came here in August of '66? A Yes sir.
Q That was your first coming was it? A Yes sir.

By Hastings:

- Q When you moved here permanently, tell all that you possible can remember of who came with you in the January or February following?
A This family is one, her, the Meigs family, Peter Meigs, Elizabeth Meigs, Mary Meigs, George Meigs, Simon Meigs, Harriett Meigs, Perry Meigs, that is all that I can remember of that family.
Q I dont mean only of that family, there were other families were there not? A Old man Billie Forman.
Q Who else? A He had several children.
Q The heads of families I mean? A Fannie Sanders; I dont recollect them all; I dont know as I can call the names of all of them.
Q Were any of the Webbers along? A Yes sir.
Q Old man Sam and young Sam? A Yes sir, I would not pretend to call them all over as I had forgotten them Webbers and so I cant remember for if I has forgotten them I dont think I can remember any of the others.

By the Commission:

- Q Did old man Sam Webber come? A Yes sir.
Q Did his son Sam come? A Yes sir.

Q Dont you remember any one else? A Rachel Webber.

Q Do you think of any one else? A No sir.

Q You know that it was a mooted question before the Kerns Clifton Commission as to who came at this time and as to when you come? A. I havent been interested as to anyone except for myself.

Q You know that there is a question about who came dont you? A Yes sir I guess I do.

Q You say you came to Big Creek? A Yes sir.

Q Did you come by the way of Chetopa? A Yes sir I guess that we did, I dont know that they called it Chetopa then, there was a house or so there.

Q Did you cross the river there? A What river.

Q Neosho? A No sir.

Q You didn't cross at the Gilstrap ferry? A No sir we crossed 20 or 30 miles from there.

Q You came through what is Chetopa and came on west through the prairie? A We may have.

Q You were in Wagons? A Yes sir.

Q Were there any persons living on any of that country from Chetopa west, out to Big Creek except your own people who had come in August or October before that? A I have no knowledge of any one living there before that.

Q Were there any houses there except those that your crowd built? A I dont know of any houses, but there were foundations for them on Big Creek.

Q Then the houses were not built before you moved there with your families? A Yes sir some were, there were logs on some up 8 or 10 logs high.

Q Then there were none really completed until you moved there with your families? A No sir.

Q Did you make a crop there the first year that you moved there? A Yes sir as near as we could with one horse plows and hoes.

Q Do you know Jim Martin? A Yes sir.

Q How far does he live from you now? A 4, 5 or 3 miles.

Q Was he living there when you people moved there? A No sir.

Q He had a brother names William Martin? A Yes sir.

Q Was he living out there then? A No sir.

Q There was an old man by the name of Carter living out there then, wasn't there? A No sir; there was an old man named Carter living 20 miles perhaps from there quite a while after we come there.

Q Was his name Dick Carter? A I think it was.

Q You say he lived some 20 miles from there? A Yes sir 20 miles below, on the Verdigris river. He come some time after.

Q Do you know if that ferry that you crossed the Neosho river was called Gilstrap ferry? A No sir we never crossed on Gillstrap ferry.

Q There were no farms made there when you passed through--no citizens had farms up there? A No sir none that I saw.

By the Commission:

Q You stated, I believe, that the first time that you come to the Cherokee Nation after the Civil war closed was in August of '66?

A Yes sir.

Q For what purpose did you come back then? A To make it our home; the proclamation had told us to come home, that it was open for us to come.

Q You didn't bring your families with you then? A Only part of them and some things that we had.

Q Part came with their families and part came to prepare for their families? A Yes sir.

Q What men were with you on that first trip? A This family, the Meigs family, not all of this man's boys, but the old man Meigs, Peter Meigs.

Q You didn't bring your family with you at that time did you? A No sir.

Q Did Peter Meigs bring any of his family then? A No sir.

Q Did you go back to Kansas after that? A Yes sir.

Q When did you bring your family? A Our family came in October.

Q When did Peter Meigs go back to Kansas? A I think with my father.

Q You came yourself in August? A Yes sir with my father.

Q You went back to Kansas after that? A Yes sir my father went there and I went with him.

Q When did Peter Meigs go back? A He went with the crowd.

Q Did he go with you and your father? A Yes sir.

Q Then you returned to the Cherokee Nation again in October? A Yes sir.

Q Did your father come with you? A Yes sir.

Q Did all the members of your own family come with you? A No sir, not all of them come in October.

Q Where was Peter Meigs in October? A He come with us at each trip.

Q Did he go back to Kansas with you? A Yes sir.

Q And then you came back here to the Cherokee Nation in October? A Yes sir.

Q Did Peter Meigs come back with you to the Cherokee Nation in October? A Yes sir.

Q That made the second time that Peter Meigs had been here? A. Yes sir.

Q Where was Peter Meigs in Christmas of '66, do you know? A No sir I dont exactly know where he was in Christmas of '66.

Q When Peter Meigs got back to the Cherokee Nation with his family did he settle in the Cherokee Nation near your family? A Yes sir.

Q How far apart? A Two or three hundred yards apart.

Q Did he then go back to Kansas for his family after he made that October trip with you? A No sir he went back after something to eat.

Q You stated that he brought his family the last time in February, when did he go back after his family? A The third time he brought his family.

Q You staid here then? A Yes sir.

Q When did you come? A In the winter.

Q Was it in February? A Must have been in December.

Q What about that February trip you spoke of? A It was in the winter some time. Snow on the ground.

Q Did your father come at that trip? A Yes sir.

Q Your mother? A Yes sir.

Q Peter Meigs? A Yes sir.

Q His wife? A Yes sir.

Q That was your third trip? A Yes sir.

Q Was that your last trip? A Yes sir.

Q When did your wife Alice come? A Come then.

Q On that third trip? A Yes sir.

Q You say Peter made all three trips with you? A Yes sir.

Q Every time you came he came? A Yes sir.

Q Every time you went back to Kansas he went back? A Yes sir; that is to the best of my knowledge.

Q Did he go there by himself? A No sir.

Q Do you remember distinctly that you came here in August the first time? A Yes sir.

Q Do you remember distinctly that Peter came with you in August and October? A Yes sir.

Q Do you remember distinctly that he come with his family when you made your first and last trip? A Yes sir.

Q With his family? A Yes sir.

By Com'r Breckinridge,-

The applicant states that she was a slave in the Cherokee Nation from the time the Cherokees moved to the Indian Territory in 1837 until she was liberated by the Civil war. She is identified on the Kerns-Clifton roll and on the Wallace roll, but not on the 1880 roll or upon the roll of 1896. The testimony indicated that her husband first returned to the Cherokee Nation after the war, coming from Kansas in August of 1866, that he came at that time to prepare for the bringing of his family back to the Cherokee Nation. He is now deceased, but he and the applicant were married at that time and had several children. The testimony further indicated that the applicant's husband made a trip back to Kansas in October, but not with a view of relinquishing his purpose to bring his family to the Cherokee Nation, but apparently to get provisions. It further appears that he returned to the Cherokee Nation with his wife and children in the following month of February. There is some conflict of testimony in regard to this matter, but so far that is the weight of the testimony. It also appears that proceedings may have been had by some Cherokee Court, either a citizenship court or the Cherokee Supreme Court, prior to the date of the Chambers Court, affecting the citizenship of this applicant and her husband and all those who may claim through them. It will be necessary to make ~~further~~ further inquiry upon this point, and if possible to get an official copy of the record. Under these conditions, the applicant will now be listed for enrollment on a doubtful card and the final decision of the Commission will be made known to her at her post office address.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein,

Chas. von Weise.

Subscribed and sworn to before me this the 29th of May, 1901 at
Chelsea, I. T.

T. B. Needles,

Commissioner.

SUPPLEMENTAL:

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 22, 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman;
REUBEN SANDERS, having been before sworn by Commissioner Breckinridge, testified as follows:

- Q Give your name? A Reuben Sanders.
Q How old are you? A I am only about 50 past.
Q You gave testimony just now in the case of Elizabeth Meigs?
A Yes sir.
Q And you want to correct a statement you made there? A Yes sir, I wish to make the statement that it was in January, 1867 when we made the last move, about the first of the month; it was the following August in 1866; we had been here in August you know, in '66 and in October, and we made the last move in '67, January, and I put it down February I think; I wanted to say January.
Q How do you find out now it was January instead of February?
A It was just after Christmas that we was on the road coming down.
Q How long after Christmas? A Perhaps a week after Christmas; my reason for stating this is this, along Christmas- a few days before Christmas there was a man got killed named Hayford, and there was a gentleman killed him, a colored man killed that man Hayford, a man by the name of Mackey, and we started ther right shortly after that killing was, and the parties followed us, thinking he was with us, in our crowd, that was just the following- a few days after Christmas, a week, or after Christmas.

Examined by Cherokee Representative, W. W. Hastings:

- Q How old are you? A Well I just don't know my age exactly, I suppose that I am about 50 years old; something in that line.
Q Where did you say that killing took place? A In Kansas.
Q Fort Scott? A Yes sir.
Q And the man that was accused of the killing was named what? A Named Mackey.
Q You remember his first name? A No.
Q You remember the man who was killed, you get his first name? A No sir I don't not.
Q Did you ever learn afterwards whether or not that man was caught, do you know? A It seems to me like I learned afterwards that the man was caught. No I don't know nothing about that part of it.
Q You know what county Ft. Scott is in? A No sir.
Q Who called your attention to this ~~great~~ error? A I thought so myself; I called my own attention to it; I was studying over it, I did.
Q You know now it was only a few days after Christmas? A Yes sir, a few days after Christmas.

Com'r Breckinridge: This statement will be filed as supplemental in the Elizabeth Meigs case, to be considered in connection with the former statement of the witness, and the other evidence relating to the date in question.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green

Subscribed and sworn to before me this May 23, 1901.

C. R. Breckinridge,

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 5, 1901.

In the matter of the application of Emily Nolen for the enrollment in the matter of the application of Emily Nolen for the enrollment of herself and one child as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:

Smith, of Mellette & Smith, for applicant;
W.W. Hastings, for Cherokee Nation.

- Q What is your name? A Emily Nolen.
Q How old are you? A About 50, I guess.
Q What is your post-office? A Ruby.
Q What district do you live in? A Cooweescoowee.
Q You apply to be recognized as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Well I can't enroll only them that's under age can I?
Q That's all.
Examined by Attorney Smith:
Q What children do you want to apply for? A Jessie Rose.
Q Now the next one? A That's all, if you don't let me enroll the boys.
Q Have you any other child that's under age, not grown? A No sir, they are all grown but them three.
Q All except Robert, James and Jessie? A Yes sir.
Q Well, Robert and James have already been applied for by your husband, John J. Rose, so you just apply for yourself and Jessie?
A Well, sir.
Examined by Commissioner Needles:
Q How old is Jessie? A Seven or eight, seven years old I guess.
Examined by Attorney Smith:
Q What is your name now? A Emily Nolen.
Q Were you the wife of John Rose? A Yes sir, I was.
Q How long did you and John live together, about? A I don't know.
Q What children were born ~~you~~ to you and John Rose wife you were living together? A All my children are his.
Q Give their names? A Charlie, Carrie, Willie, Mary, Geneva, Robert, Jimmie and Jessie.
Q Did you and John separate? A Yes sir.
Q When did you separate? A About four years ago.
Q Where was Robert born? A On California Creek, in the Cherokee Nation.
Q Where was James born? A On Hickory Creek, Cherokee Nation, the same neighborhood.
Q Robert, James and Jessie are living with you? A Yes sir.
Q Where does Geneva live? A She has been living on Lightning Creek.
Q Is she married? A She has been married, but aint now.
Q Where is she living now? A She is living on Lightning.
Q Where does Mary live? A On Lightning.
Q Is she married? A Yes sir.
Q What is her name now? A Mary Blackburn.
Q Where does Will live? A He lives on California Creek, near ~~Ruby post-office~~.
Q Where does Carrie live? A She lives on Salt Creek, close to Ruby post-office.
Q How far from Ruby? A About a mile and a half.
Q Is Carrie married? A Yes sir.
Q What is her name now? A Freeman. She married George Freeman.
Q Where does Charles live? A He lives near Coffeyville in the Cherokee Nation, on the Verdigris.

- Q You apply for yourself and Jessie do you? A Yes sir.
- Q What was your name before you were married? A Before I married the first time.
- Q Yes, sir? A Dannenberg.
- Q Were you born a slave? A Yes sir.
- Q What did you belong to? A I belonged to Dannenberg.
- Q Can be a Cherokee? A Yes sir.
- Q Where did you live before the war? A In Flint, Cherokee Nation.
- Q Were you taken out of the Cherokee Nation during the war? A Yes sir.
- Q When did you come back? A I come back in the fall of '64.
- Q Who did you come back with? A I come back with my mother and brother and sister.
- Q What was your sister's name? A Jane Smith it is now.
- Q Anybody else with you? A Uncle Dave French.
- Q What family did your father and mother have at that time at the time you came back here, who were the members of that family?
- A That I belonged to.
- Q Your father's family, you mentioned your sister, Jane Smith?
- A And my brother, James Colbert; there wasn't but three children.
- Q Where did you come to when you come back? A Come to Lightning Creek.
- Q How old are you, you say? A I am about 50 I guess.
- Q You don't know your age? A No sir.
- Q Can you remember how big you were when you came back to the Nation after the war? A I guess I was about 11 years old.
- Q You don't know exactly? A No sir, I don't know my age.
- Q You were not grown? A No sir, I wasn't grown.
- Q Where does your sister, Jane Smith, live? A She lives on Hickory Creek, about nine miles below Coffeyville, in the Cherokee Nation.
- Q What is her husband's name? A Charles Smith.
- Q Where does James Colbert, your brother, live? A He lives near Bartlesville, in the Cherokee Nation.
- Examined by Cherokee Representative, W.W. Hastings:
- Q You say you belonged to Dannenberg? A Yes sir.
- Q Where did you live before the war? A I lived in the Nation, down there close to Flint.
- Q Close to Flint? A Yes sir, I don't know what.
- Q Did Dannenberg live there? A Yes sir, I don't know what district? A No sir, I don't know.
- Q Did Dannenbergs have any children? A Yes sir.
- Q What are the names of some of them? A His oldest girl was named Josephine and the oldest boy was named Henry.
- Q You were living with them at that time? A Yes sir.
- Q Who did your brothers and sisters belong to? A Same person.
- Q All them you have mentioned belonged to the same person? A Yes sir.
- Q And he was living in Flint District? A I guess it was Flint District, but I remember it was near Flint.
- Q About how big were you when the war come up? A I was quite small.
- Q You don't know, remember anything about the dates then? A I know the dates when I see them, but I can't remember no dates that far.
- Q You were not married when you come back here then? A No sir.
- Q When did you marry John Rose? A I don't know just when.
- Q About how long after you come back here? A I guess about 4 or 5 year.
- Q You never married him in Kansas then? A Yes sir, I married him in Kansas.
- Q Then you married him before you come here? A I came down here and then I went back and I married him when I went back.
- Q Where did you come to when you come down here the first time?
- Q I come to Lightning Creek.
- Q Your father alive then? A I don't know anything about my father,

- I never saw him.
- Q What was your mother's name? A Tilda Dangenberg.
- Q She came down with you then? A Yes sir.
- Q Just you and your mother and brother and sister? A Yes sir, and Uncle Dave Prances.
- Q Who was along? A Yes sir, and Harry Still.
- Q Who was along? A Yes sir.
- Q How long did you stay down here when you come? A I went back I guess it was in the summer.
- Q What time did you come down? A I come in the fall.
- Q And you stayed here then until the next summer? A Yes sir.
- Q Then you lived in Kansas about four years? A No sir, I didn't stay there until September, I guess about September, and I come back.
- Q Well, you said you married up there? A Yes sir, I married up there.
- Q Didn't you state awhile ago it was about four years after you come down here until you married? A I mean it was four years from the time I come down here the first time.
- Q That's what I meant? A Well I didn't stay up there no four years.
- Q Well you come down here the first time, and you say you went back the following summer? A Yes sir.
- Q Was it about four years when you first come down here after the war that you married Rose? A I come down here the first time with my mother and sister, and I stayed until along in the summer, and I went back and stayed there until along in the fall and I stayed there until in the fall and then I come back and I married up there and I come back that fall.
- Q Was you ever married before? A No sir.
- Q Was Rose ever married before? A Not as I knows of.
- Q He was a state man? A Yes sir.
- Q Who went back to Kansas with you? A A young man by the name of Reed Whitney.
- Q Was he any relation to you? A No sir.
- Q How did you two happen to go back together? A There was another girl went with us.
- Q What place in Kansas did you go to? A We went back to Lawrence.
- Q You were married in Lawrence? A Yes sir.
- Q What year were you married? A I can't tell the dates, I was married, I can't tell how long I have been married and when I did marry.
- Q You can't tell the year you was married in but you could tell the fall you come back here? A Oh yes, I can tell that, because I heard so much talk about it.
- Q You didn't hear so much talk about your marriage? A No sir.
- Q What is your oldest ~~xxxxxx~~ child's name? A Charley Rose.
- Q How old is Charley? A I guess he is about 26.
- Q Where was Charley born? A He was born in the Nation.
- Q Where? A He was born on Grand river.
- Q Who were your neighbors then? A My aunts.
- Q What was their names? A Aunt Mary Buffington.
- Q You were living then over on Grand river? A No I just went down there on a visit.
- Q How long had you been in the Nation then? A I don't remember.
- Q Where was your next child born? A On California Creek.
- Q What was his name? Q Next one to the oldest child was? A Carrie Freeman.
- Q She was born on California Creek? A Yes sir.
- Q How far down from Coffeyville? A About 15 miles.
- Q What direction? A South.
- Q Have you been living at that place ever since? A Right around in the neighborhood ever since.
- Q Where was Carrie Freeman married? A She was married on Hickory Creek.

- Q. "He ever live in Kansas?" A. No sir.
- Q. "Did Charley ever go back to Kansas?" A. No sir.
- Q. "Who did you and your mother live with the first fall after you came back here?" A. We stayed at Aunt Mariah Hayden's.
- Q. "Did you live in the house with her?" A. Yes sir. We lived in the house with her awhile, and we had a little house.
- Q. "Who was living with aunt Mariah Hayden?" A. Why this man Reed Whitney, and this Andy Rider, and her son.
- Q. "That was in the fall of '66 was it?" A. Yes sir.
- Q. "Where was your aunt Mariah Hayden living then?" A. Why close just close to where she is living now, I don't know just where the place is, I couldn't tell where, just where the place is now.
- Q. "It was on the same place, but a different house?" A. Somewhere along there, I have never been there for a long time, and I don't know.
- Q. "She had a house built did she?" A. I suppose she had I don't know.
- Q. "You don't know whether they were living in a house or not?" A. Oh yes. I know they were living in a house, but I don't know now they got it.
- Q. "You know how long they had been living there when you came?" A. No sir.
- Q. "Had they raised a crop there, patch?" A. I guess they had a garden patch, but it has been so long I don't remember.
- Q. "Was Mr. Hayden there?" A. I don't think he was at that time; you see I was small and then I can't remember very much noway.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicant and child identified as follows:

page 146 No. 3616 Emily Rose, Cooweescoowee District;

page 146, #3622 Jess Rose, Cooweescoowee District.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:

page 137 #2859 Emma Rose, Cooweescoowee District.

Examined by Commissioner Needles:

Q. "What is your present husband's name?" A. Manuel Nolan.

Q. "What was Rose's name?" A. John Rose.

Com'r Needles: Emily Nolan applies for the enrollment of herself and child Jessie Rose; she cannot be identified upon the authentic tax roll of 1890 or the census roll of 1890, but is duly identified upon the Kern-Clifton and the Wallace rolls, as Emily Rose, that having been her name by former marriage, and to one John Rose, from whom she is now divorced; she has since married one Manuel Nolan; by her first marriage to said John Rose she avers that she had one child, Jessie, and she is duly identified upon the Kern-Clifton roll according to page and number of the roll as indicated in the testimony; she avers that she was formerly married as stated, to one John Rose, from whom she is now divorced; said John Rose was duly listed for enrollment as a Cherokee Freedman on doubtful card 474, the testimony in said case will be made part of the record in the case at bar, and copy of said testimony will be filed with the testimony now being taken; they make satisfactory proof as to residence, consequently, Emily Nolan and her child, Jessie Rose, will be duly listed for enrollment as Cherokee Freedmen upon what is known as a doubtful card; she will be notified of the decision of the Commission in her case when arrived at.

M. D. Greer, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof. Subscribed and sworn to before me (signed) M. D. Greer. this 6th day of 1901. (signed) T. E. Needles, Commissioner.

X 30804

W.A.H.

Department of the Interior
 Bureau of Indian Affairs
 Washington, D.C.

DEPARTMENT OF THE INTERIOR,
 BUREAU OF INDIAN AFFAIRS.

FILED
 MAY 27 1901

ACTING CHAIRMAN

(Handwritten signatures and notes)
 W.A.H.
 J. H. ...

Chief, I. T. ...

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Department of the Interior,
Commission to the Five Civilized Tribes,
Chester, I. T., June 1st, 1901.

In the matter of the application of John J. Rose for the enrollment of himself, as intermarried Cherokee Freedman, and two children as Cherokee Freedman, he applying as intermarried, being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:

Mr. Smith, of Mellette & Smith, for applicant.
Mr. L. B. Bell, for Cherokee Nation.

- Q What is your name? A John J. Rose.
Q What is your age? A About 55.
Q What is your post-office? A Ianspan, Indian Territory.
Q What district do you live in? A Cowasseeowee District.
Q You apply to be enrolled as a Cherokee Freedman? A No sir, as intermarried adopted.
Q Who do you want to enroll besides yourself? A 2 little boys Robert Rose.
Q How old is Robert? A About 15 years old.
Q What is the next child's name? A James Rose.
Q How old is James? A James is about 12.
Q Are you married? A No sir, I am a widower.
Q Your wife not living? A Yes sir, she is living; we was divorced.
Q What is the mother's name of these children? A She is married again.
Q Who has got these children? A I have got them in custody.
Examined by Attorney Smith:
Q What was your wife's name when you married her? A Emily Dannenberg.
Q Have you a witness where you know as to whom she belonged?
A Yes sir.
Q Did you know her during the war yourself? A No sir.
Q You can't state from your personal knowledge who she belonged to?
A No sir.
Q How long was she during the war? A No sir. I never got acquainted with her until after the war.
Q When did you get acquainted with her? A In the fall of '55, near the close of the war.
Q Where was she? A At Lawrence, Kansas.
Q In '55? A Yes sir.
Q How long did you stay in Lawrence after that? A I lived in Lawrence about, - let me see, about three years, I think it was '60 when I left there.
Q Did she leave Lawrence? A She left Lawrence in the fall of '66 the next year after the war closed.
Q Did she make any statement as to where she was going? A She was going to the Nation with her mother.
Q Where did you marry her? A I married her in Lawrence, Kansas, the first time I married her, and I married her the second time in the Indian Territory.
Q How did you marry her in the Territory, under what law?
A Under the Cherokee law.
Q Have you got the certificate? A I have got a certified copy.
(Produces papers.)

Attorney Smith: I desire to offer a certified copy of a certificate of his marriage to his wife, issued by the clerk of Cowasseeowee District. (Hands paper to Charles Rep're Bell, who examines it.)

Com'r Needles: The applicant presents a certified copy of marriage certificate certifying that he was married according to the laws of the Cherokee Nation on the 28th day of September, 1860, marriage license issued in '60, 28th day of

December; and married by Samuel Webber, Minister of the Gospel, 28th of September 1880, to Emily Dannenberg.

Examined by Attorney Smith:

- Q Have you ever been recognized as a citizen of the Cherokee Nation? A Yes sir, I have been recognized, the rights to vote.
Q Have you voted in the Cherokee elections? A Yes sir.
Q Have you ever had any permits issued to you? A I don't think I ever applied; yes I have, but I have no copies of them.
Q You have had permits issued to you? A Yes sir.
Q About when, do you remember? A It has been 14 or 15 years ago, I never paid any attention to it.
Q Did you ever have any law-suits in the Cherokee courts?
A One, yes sir.
Q Who with? A Man named Curleyhead, Delaware citizen.
Q In what court? A Civil court it was then, held at Dog Creek, Cooweescoowee District.

Cherokee Rep'v'e Bell: I object to the introduction of this evidence, for the reason that it is not the best; the records could be obtainable, or showing ought to be made that they are not obtainable.

Com'r: Well, go on.
BY ATTORNEY SMITH:

- Q Well now, Mr. Rose, where do you live now? A I live five miles north of Lenapah, Cooweescoowee District, Cherokee Nation.
Q Are those two children, Robert and James, living with you?
A Yes sir, when I am at home they are.
Q Are these children on any of the rolls? A Yes sir.
Q Robert and James, what rolls? A They are both on the Kerns-Clifton roll, and I think one of them is on the Wallace roll, I am not positive.
Q How old is Robert? A 14, going on 15.

Kerns-Clifton roll of citizens of the Cherokee Nation examined for applicant's children and identified
page 146, #3619 Robert Ross, Cooweescoowee District.
page 146 #3621 Jim Ross, Cooweescoowee District.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified thereon.
1896 census roll of citizens of the Cherokee Nation examined and applicants not identified thereon.
Kerns-Clifton roll of citizens of the Cherokee Nation examined and applicant's former wife identified as follows:
page 143, #3616 Emily Rose, Cooweescoowee District.

Examined by Cherokee Representative, L.S. Bell:

- Q You don't claim anything but intermarried right? A And the right to enroll these two children.
Q When did you marry Emily Dannenberg first? A First time I married her I think it was in 1867, along in June.

FURTHER TESTIMONY IN THIS CASE TAKEN BY STENOGRAPHER CHARLES VON WITSE.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.
(signed) M. D. Green.
Subscribed and sworn to before me this June 5th, 1901.

(signed) T. D. Needles,
Commissioner.

June 1st, 1901, CONTINUATION of the above.

By Chas. von Weise, Steno.

Harry Still, being sworn by Com'r Needles, as a witness for the applicant, testified as follows:

By Mr. Smith:

- Q What is your name? A Harry Still.
Q What is your post-office address? A Hayden.
Q How long have you lived in the Cherokee Nation? A About 54 years.
Q How old are you? A About 54 years old.
Q Did you know Emma Rose or a woman who was the wife of John J. Rose? A Yes sir.
Q What was her name before she married Rose? A Dannenberg.
Q Was she a slave? A Yes sir.
Q Who did she belong to? A Dick Dannenberg.
Q Was he a Cherokee citizen? A Yes sir.
Q Where was Emma Dannenberg when the war broke out? A She was living with her master then.
Q Where? A In Flint.
Q In the Cherokee Nation? A Yes sir.
Q Do you know if she was taken out of the Cherokee Nation during the war? A Yes sir.
Q Did she come back after the war? A Yes sir.
Q When did she come back? A In the fall of '66 long about the last part.
Q Who came back with her? A She came back with her mother, sister, brother, me, my mother, my sister, Reed Whitney.
Q Where did you come to? A Come to Lightning Creek.
Q How old was Emma at that time? A Her and Jane was both good sized girls-- young ladies.
Q Who was their mother? A Tilda Dannenberg.
Q Where did they locate when they came? A Stopped at a place now known as Hayden.
Q And where is this woman Emma now? A She is living about 8 miles from Hayden in what is known as the Jim Martin settlement.
Q Where does John Rose live? A Some six miles from Lenapah.
Q How long has he lived there? A The first time that I saw these people I can't exactly fix the date, it was on California Creek over 20 years more than that must have been in 75 or 76.

By Bell-

- Q Was this Tilda Dannenberg married? A No sir, she was a widow.
Q Where did she settle? A Near what is Hayden now.
Q How long did she live there? A 3 or 4 years.
Q And kept these children with her? A Not all the time.
Q How long did she have them? A 2 or 3 years when she first came there.
Q I mean Emma Rose-- I am speaking of John J. Rose' wife? A That is the-- she kept Jim with her all the time.
Q I am speaking of John J. Rose' wife? A That is who I mean.
Q When did you come back to this country? A That first time?
Q Yes, sir? A In '65.
Q And then you came back again? A Yes sir.
Q In '65? A Yes sir.
Q Are you on the 1880 roll? A I am a citizen all right and was admitted at Vinita.
Q Are you on the roll of 1890? A I said I was a citizen all right.
Q Who came back besides your family? A Reed Whitney, Joe King, Andy Riser.

Lewis Whitmire, called and sworn as a witness for the applicant.

By Mr. Smith.

- Q What is your name? A Lewis Whitmire.

- Q Where do you live? A Hayden, I.T., on Lightning Creek.
- Q How long have you lived in the Cherokee Nation? A Never lived out of the Cherokee Nation.
- Q Do you know John Rose? A Yes sir.
- Q How long have you known him? A I have known him about 25 years.
- Q Do you know his wife Emma? A Yes sir.
- Q Who did she belong to before the war? A Mr. Dannenberg, and his family.
- Q Were they Cherokee citizens? A Yes sir.
- Q Where did they live? A I cant tell exactly if it was in Flint or Goingsnake, 2 or 3 miles from the line.
- Q How big was she when she came back? A I dont recollect how big but she was a small girl when the war commenced.
- Q She was out of the Cherokee Nation when the war was going on was she? A Yes sir I guess so.
- Q Where did you first see her after the war? A Her mother was at the old Harry Still place up on Lightning creek.
- Q When did you first see her with her mother? A Sometime in the winter of '66.
- Q Did you know who she was with? A With her mother.
- Q Did you come back to this country the same time Harry Still did or not? A No sir I came down same summer though.
- Q Do you know who brought this woman and these children to the Cherokee Nation? A No sir.
- Q How long did you continue to see them up around there? A They were there 3 or 6 weeks, taken a claim there, it was cold weather, they got dissatisfied and gave it up.
- Q Where did you next see them? A On Goose-neck Bend, I was up there to the Chief election up there and seed them.
- Q Have you ever been to the Rose house at Lenapah? A No sir.
By Bell.
- Q How far from the Harry Still place do you live? A Just a short mile just like going from here over in town.
- Q That was in 1866 that you was over there and saw these people? A Yes sir.
- Q How long did Mrs. Rose stay there with her mother? A I just saw them there a short time.
- Q About how long? A 5 or 6 weeks.
- Q Where did she go then? A I dont know where she went, the next I heard of them was that they had a place up near Lenapah. I has never been to that place tho, dont know where it is.
- Q You know that they have lived up near Lenapah though? A Yes sir, John Landrum called and sworn as a witness for the applicant.
By Mr. Smith.
- Q What is your name? A John Landrum.
- Q Where do you live? A On Lightning creek.
- Q What is your post-office? A Hayden.
- Q How long have you lived there? A 30 years.
- Q How long have you lived in the Cherokee Nation? A I was birthed here and raised here.
- Q Do you know Emma Rose who was the wife of John Rose? A Yes sir I am slightly acquainted with her.
- Q Did you know her before the war? A Yes sir I saw her a time or two.
- Q Was she a slave? A Yes sir.
- Q Who did she belong to? A The Dannenbergs.
- Q Where was she when the war came up? A In Flint District.
- Q When did you first see her in the Cherokee Nation after the war? A On Lightning creek.
- Q When? A Fall of '66.
- Q Who was she with? A Her mother Tilda.
- Q Do you know how long they staid in that neighborhood? A I think they must have staid there 4 or 5 years as near as I can recollect.

Q How far is it from where you saw them to Lewis Whitmires? A 2 miles north east.

By Bell:

Q You say you know Em Ross before the war? A Yes sir I saw her.

Q About what size was she when the war came up? A Small.

Q In 4 or 5 years old? A I dont know, I was small myself.

Q About what age was she? A Might have been 7 or 8 I dont know.

Q Where did you see her before the war? A Where they lived on Flint.

Q Where did you live at that time? A On Spavinaw, this side of Kayesville.

Q How far from Kayesville did they call it? A About 12 miles, on the military road right on Spavinaw, the Jess Buffington place is where I was raised.

Q How far was that from the Dannenberg place? A It was a long ways.

Q How old are you Jack? A 59 as near as I can come.

Q What was you doing there at the Dannenberg place at that time? A My master carried me up there.

Q When was that? A That was a long before the war came up.

Q Well how long before the war came up? A I cant tell exactly, it was not so long before the war came up though.

Q Who was your master? A At that time I belonged to Jim.

Q Jim Landrum? A Ye sir Jim Muskrat they called him.

Q What was he doing there at the Dannenberg place? A On business I guess.

Q Selling some of you? A No sir not exactly, I dont know, I never was sold in my life.

Q How many days did it take you to go up there from where you lived? A 2 or 3 days or more in wagons.

Q How long did you stay there after you got there? A 2 or 3 days.

Q Can you tell close to where they lived in Flint? A No sir I cant.

Q You got through with that visit and came back home and never saw her again until you saw her up here on Lightning? A Saw her mother in Port Scott.

Applicant re-called and examined by Mr. Smith:

Q Where were you living in 1880? A On California creek, near the Whiskey crossing.

Q Were you and Emie living together then as man and wife? A Yes sir.

Q Do you know why you wasnt put on that roll? A At the time the census takers came round in the spring of '75, the census taker was Dick Duck and Mr. Hicks, they come to the house and my wife was absent and I gave in her name and all the rest of the family; there was an order from the Chief or the executive office for all those who had not met the census takers before to appear tax at the district clerks and give in their census, and in '75 I taken my

mother in law and went to the clerk and she gave them in and there to it and approved it by John Freedman--that was the same year that Mr. Wallace made the roll of the freedmen that I went to Tahlequah

and got Mr. Rasmus to go and examine the office and see if my people was down and he did and the clerk there told him the the district clerk, C.C. Lipe, had never sent in any such ~~xxxx~~ reports.

By Bell-

Q That was in '75? A Yes sir, the time that Jacob Lipe was clerk he took the oath and they said that the first oath that he took then was that of this her woman's mother, Tilda Dannenberg.

By Smith-

Q Do you know why she was not placed on the 1880 roll? A Just rejected her then, they disputed her after that.

Q You were here at the time? A Yes sir.

By Con'r Needles--John J. Ross applies for himself and two children Robert and James Ross. and he makes satisfactory proof

of his marriage to Mrs Dannenberg according to the laws of the Cherokee Nation; the name of his wife is not found on the authenticated roll of 1880, but is identified on the Kern Clifton and Wallace rolls; the names of the two children above named are by his said wife Emma and are identified on the Kern Clifton roll; he makes satisfactory proof as to his marriage in the year 1880 according to the laws of the Cherokee Nation; they are all duly identified but for the reason that the name of the said family Dannenberg, the wife of the said John J. Rose does not appear on the Authenticated roll of 1880; and because of the fact that the Cherokee Nation protests the enrollment of these parties, the said John J. Rose will be listed for enrollment as a Cherokee Freedman by inter-marriage on a doubtful card, and the two children James and Robert Rose will be listed for enrollment as Cherokee Freedman on a doubtful card, and the final decision of the Commission will be made known to them by mail.

Chas von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full that portion of the testimony as indicated as having been taken by him, and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(signed) Chas. von Weise.

Subscribed and sworn to before me this the 6th of June, 1901, at Chelsea, I. T.

(signed) T. B. Needles,
Commissioner.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript.

M. D. Green

Subscribed and sworn to before me this November 19th, 1901.

[Handwritten Signature]

COMMISSIONER

Notary Public.

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Frog

July 18, 1901

[Handwritten signature]

[Handwritten name]

The following is a list of the names of the persons who were present at the meeting held at the residence of Mr. J. H. [Name] on July 18, 1901.

The following is a list of the names of the persons who were present at the meeting held at the residence of Mr. J. H. [Name] on July 18, 1901. The names are listed in the order in which they were present.

COMMISSION TO [Name]

FILED
JUL 18 1901

AT 11:30 pm

REJECTED, as to child, Daisy:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUN 1 21st, 1901.

In the matter of the application of William Rose for the enrollment of himself and one child as Cherokee Freedman; said Rose being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A William Rose.
Q How old are you? A About 25.
Q What is your post office? A Lenapah.
Q What district do you live in? A Coowescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A One child.
Q What is your child's name? A Daisy.
Q How old is it? A Little over five years old.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Eliza; she was a Glass before I married her.
Q Is she a citizen? A Yes, sir.
Q Are you living with her? A Yes, sir, she is a citizen by blood.
Q Is Daisy her child? A No, sir.
Q Were you ever married before you married Eliza Glass? A No, sir.
Q What is the name of the mother of Daisy Glass? A Allie Renfro.
Q She is a non-citizen? A Yes, sir.
Q You were never married to her? A No, sir.
Q Is your name on any of the rolls of the Cherokee Nation?
A Yes, sir.
Q What roll is your name on, 1880? A No, I think not.
Q Did you draw the Kern-Clifton money? A Yes, sir.
Q Have you got any children of your present wife, Eliza? A No, sir.
Q Who is Emily Rose? A That is my mother.
Q Has she been enrolled? A Yes, sir.

The 1880 Authenticated Roll and 1896 Census Roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 146, #3817, Will Rose, Coowescoowee District.

- Q What is your mother's name? A Emily Helen Now.
Q What is your father's name? A John J. Rose.
Q Is he living? A Yes, sir.
Q Is he a citizen? A No, sir.
Q You claim your citizenship through your mother?
A Yes, sir.
Q Have you always lived in the Cherokee Nation? A Yes, sir.
Q The testimony in regard to your mother then would be testimony you would require in your case, would it; you claim through your mother? A Yes, sir.

COM'R NEEDLES: William Rose applies for the enrollment of himself and his child, Daisy. He cannot be identified upon the authenticated roll of 1880 or census roll of 1896, but he is duly identified upon the Kern-Clifton roll. He avers that he is the son of Emily Rose, now Emily Helen. The said Emily Helen is listed upon Doubtful card roll, and the testimony taken in the application of Emily Helen will be made part of the record in the case now under consideration and a copy thereof filed herewith.

William Rose, et al.--2.

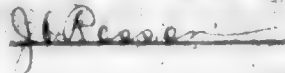
The said William Rose will now be listed for enrollment upon a card as a Cherokee Freedman upon a doubtful card. He will be notified by mail of the decision of the Commission in his application when the same is arrived at.

He applies for the enrollment of his child, Daisy Rose. He avers that he is the father of Daisy and the mother of Daisy is one Allie Renfro, and that he was never married to her or lived with her as man and wife, consequently the applicant for the enrollment of his child, Daisy Rose, will be rejected.

Reference is made to Section 592 of the Revised laws of the Cherokee Nation of 1892 as to the application for the enrollment of Daisy and as to the status of the said Daisy

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.



Subscribed and sworn to before me this July 9th, 1901.



Commissioner.

File with Cherokee Freedmen Bill, Elizabeth Meigs

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 15, 1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

L. T. Brown, agent for the applicant;
J. S. Davenport, of counsel for Cherokee Nation.

L. T. Brown: I would like to have the record show that sometime next week the applicant intends to introduce as witnesses in this case, Aaron Wright, Reuben Sanders, Dan Sanders, and Sam Webber, for the purpose of showing that all the applicants in this case returned to the Cherokee Nation during the time prescribed by the Ninth Article of the Treaty of 1866.

Commissioner Needles: Hasn't that already been shown?

L. T. Brown: And that they have had a continuous residence in this country since that year.

Commissioner: Well, that is all right.

ROBERT MEIGS, being duly sworn by Commissioner Needles, testified as follows.

Mr. Davenport: What is your name? A Robert Meigs.

Q Where do you live? A I live five miles southwest of Tahlequah.

Q What is your postoffice? A Park Hill is my postoffice.

Q How old are you? A I am 56 my next birthday.

Q How long have you lived in the Cherokee Nation? A I have lived here all my life except a little while time of the war, from '64 to '65.

Q Did your people own any slaves before the war? A Yes sir.

Q Do you know whether they owned a woman by the name of Elizabeth?

A No sir.

Q Do you know whether or not they owned her mother, or anybody of the family? A Elizabeth, no, sir.

Q Well, did you know Peter Meigs? A Yes sir.

Q Do you know what his wife's name was when the war broke out?

A Betsy they called her.

Q Well, was she living, Betsy, at the time the war broke out?

A Yes, sir.

Q Well, did you ever know her by any other name than Betsy?

A Bettie.

Q Where was Peter Meigs and his family at the breaking out of the war? A Well Peter was with us at home at the breaking out, but he and his wife was up there somewhere near the Dutch Mills on the Arkansas line.

Q Well I wish you would look at that woman there and see if she is the woman you knew as Betsy or Bettie or whatever you knew her by (indicating applicant)? A Yes, I think that is the one, I have never seen her but once.

Q That is since the war? A I just saw her once in my life and that was time of the war, after the war.

Q Did you ever see Peter Meigs and his family after the war? A Yes sir, saw Uncle Peter.

Q What year was that? A Sometime after '71.

Q What were the circumstances as to your seeing him or meeting him?

Q Why he had to come down to Council to see about fixing up his rights, and he came down to visit my brother John, we were right together, and I went up there to see him.

Q Did you have a conversation with him or did he have a conversation with your brother John in your hearing where he and his wife were present in regard to his right or when he returned? A Yes sir.

Q Give that conversation as near as you can.

L. T. Brown: The applicant objects to this witness relating any conversation he might have had with Peter Meigs, for the reason that Peter Meigs is dead and cannot affirm or deny this statement.

Commissioner: The objection will be noted and the witness will answer.

Q Go ahead and state what the conversation was between you? A He was talking about returning, he said he came down here in the fall of '66 and started to make him a place somewhere on Big Creek and his family wasn't with him, and afterwards when he returned why it was too late when he brought his family.

Q Did you ever see any other members of his family excepting he and his wife at the time you speak of? A No, sir, just him and his wife is all, I wasn't acquainted with the children.

Q Do you know where he was living at that time? A He said he was living on Big Creek somewhere.

Q That was in what year? A This was after '71 sometime, I don't know just what time it was.

By L. T. Brown: Now what did you say that conversation was, Mr. Meigs? A Why he said that he had come down to make him a place somewhere up here on the Verdigris, or Big Creek, and he started to make him a cabin, and put up the wall, and then went back for the family.

Q He told you that he came down and started him a little cabin with the intention of making him a home in the fall of '66? A He said he came down and started to make him a home.

Q In the fall of '66? A Yes, in the fall of '66.

Mr. Davenport: Well, what did he do after he started that home, did he say, after he started that cabin? A Went back after his family.

Q And he stayed up there till when he came back down here it was too late, is that what he told you? A Yes, sir.

L. T. Brown: How long did he tell you he stayed up there in Kansas after he made the first trip? A He didn't state, I believe he gave but one date.

Commissioner: This testimony will be made part of the record in the case at bar, and also part of the record in D case 394, D-395, D-398, D-404, D-402, D-401, D-407, and D-775, and the sub-references.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November, 1901.

T. B. Needles,

Commissioner.

File with Cherokee Freedman D-391, Elizabeth Meigs.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 19, 1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the applicant.

Appearances:

L. T. Brown, agent for applicants;
L. D. Bell, of counsel for Cherokee Nation.

DANIEL SANDERS, being duly sworn by Commissioner Needles, testified as follows:

By L. T. Brown: State your name? A Daniel Sanders.

Q What is your age? A About 39.

Q What is your postoffice address? A Centralia.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Does your name appear upon the authenticated roll of 1890?

A I think it does.

Q You know Elizabeth Meigs and George Meigs? A Yes, sir.

Q What relation is George Meigs to Elizabeth Meigs? A Her son.

Q Did you know Peter Meigs during his life time? A Yes, sir.

Q Do you know whether Peter Meigs, Elizabeth Meigs, and George Meigs were out of the Cherokee Nation during the war? A Yes, sir.

Q When did they return to the Cherokee Nation? A They came in '66.

Q With whom did they return? A They came with me and my father and the Webbers.

Q Have they had a continuous residence in the Cherokee Nation ever since? A Yes, sir.

Mr. Bell: When did you come to the Cherokee Nation yourself after the war? A In '66.

Q What time of the year? A First of December.

Q That was the first time? A Yes, sir.

Q When did you make your second trip? A Along in first part of January.

Q That was January, 1867? A Yes, sir.

Q Now which one of these trips was it that Peter and his family came with you? A They came both times.

Q Came both times? A Yes, sir, the old man came the first time and then the last time the family came.

Q Peter came with you alone the first time? A Yes, sir.

Q Then the second time he brought his family? A Yes, sir.

Q What did his family consist of? A Mary, George, Alice, Harry, Simon, and Perry.

Q Then was his children? A Them was his children.

Q Well he had his wife Elizabeth with him, didn't he? A Yes, sir.

Commissioner: This testimony will be filed and made part of the record in the case at bar and part of the record in D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-775.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November, 1901.

T. B. Needles,

Commissioner.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and the same is a true and complete copy of the original.

Ray Palmer

Subscribed and sworn to before me this the 8th day of August, 1902.

Bruce C. Jones
Notary Public.

2 310804

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 29 1901

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 22nd 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of John J. Rose, C. F. N. 474.

Appearances:

James S. Davenport for the Cherokee Nation.
Mellette & Smith for the applicant.

PHILLIS GUNTER being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:
(By Davenport)

Q What is your name? A Phillis Gunter.

Q Where do you live? A In Coowaseek Band, Coowasee District.

Q How old are you? A I just dont know my age exactly.

Q Do you know John J. Rose? A Yes sir, I know him.

Q Do you know Emily Nolan who was formerly the wife of John J. Rose?

A Yes sir.

Q Where did you first get acquainted with them? A I was acquainted with their mother in Slave times.

Q With their mother, whose mother do you mean? A Emily's mother.

Q What was her name? A Matilda Dannenburg.

Q Were John J. Rose and Emily Nolan any relation to each other? A Yes sir they got married.

Q Where did they get married? A In Kansas somewhere, I cant tell exactly the place.

Q Where did you know John J. Rose and Emily as man and wife? A Right there in Lawrence.

Q When did you come back to the Cherokee Nation after you knew them in Lawrence? A As near as I remember it was the year before the Grass or Bread payment.

Q Do you know what year that was, what year the bread payment was made? A No sir.

Q Where was John and Emily living when you come back from Lawrence? A I left them up there.

Q Up where? A Lawrence Kansas and never seen them any more until they come here.

Q Did they have some children? A Yes sir.

Q Do you know the names of any of them? A A little boy named Charlie and a girl named Lizzie is all they had then.

(By Smith)

Q Are you a freedman? A Yes sir that is what I have been claiming.

Q Are you on any of the rolls of the Cherokee Nation? A Yes sir.

Q What rolls? A My case was taken up at Chelsea.

Q I ask what rolls you are on? A Clifton and Wallace rolls I guess they call it.

Q Who did you belong to before the war? A I belonged to a woman, she was a Starr before she married and she married a man name Latty.

Q What was her name before she married? A Jane Starr.

Q What was her father's name? A I dont know.

Q Where did they live? A At the old home up in Flint and in Sequoyah

Q Near what town? A Not close to any town, lived out in the country; the closest town was Evansville.

Q Were you living there when the war commenced? A Y-s sir.

Q Where did Emily's mother live? A With Mrs. Dannenburg.

Q How far from where you lived? A In the same district but it was further off, north from me, I cant tell the distance exactly.

Q Was it 30 miles? A No sir, I dont think it was quite that far.

Q You didn't know Emily herself before the war? A Yes sir I knowed her.

Q I thought you said you knew her mother—what was her mother's name? A Matilda Dannenburg.

Q Did you, or did you not know Emily before the war? A I think Emily

was born before the war, if she was she was a small child; I know I saw her in her mother's arms.

Q Was that before the war? A Yes sir.

Q Sure of that? A Yes sir.

Q Where did you ever see her in her mother's arms before the war?

A With her mother at the Dannenburg place.

Q How many times were you at the Dannenburg place? A I was hired out to his brother Nathan.

Q How far did the two Dannenburg brothers live apart? A I cant say exactly how far.

Q Cant you give some idea as to how far? A I dont know exactly.

Q Did they live 150 miles apart? A Nathan lived in town and one lived in the country.

Q Was it 400 miles apart? A No sir it wasn't, I dont suppose it was over five miles, it wasn't five miles, it was betw-en 3 and 4 miles I guess.

Q When the war come up where did you go? A When the war come up for a little while—when the war was raging so I was with my owners at Parkhill a while and then came back to the old home place.

Q When did you go up to Kansas? A About the time of the close of the war, just about the time that Quantrell's raid was in Lawrence.

Q What place in Kansas did you go to? A Lawrence.

Q Where was this Matilda then, didn't you say you saw Matilda there?

Q When I first went up in Lawrence?

Q Yes sir? A I didn't see her when I first went up there, we lived on one side of the river and they lived on the other, but I shortly afterwards saw her, I didn't see her for the first day or two after I got there.

Q You said a while ago that you saw Emily in her mother's arms you though before the war, how long before the war was it? A I cant say I dont know, I dont recollect that far back, I have told it as straight as I know.

Q You claim to have known this woman ever since she was a little baby, now when was she a little baby? A I cant say.

Q How big was she when the war come up? A Quite a little girl.

Q How many years old? A I dont know, never paid any attention, just seen them and knowed the, I dont know anything about the ages.

Q Was she three years old? A She might have been and might have been more.

Q Well, about how old? A I dont know.

Q You saw her and would know the difference between a girl three years old and one ten years old wouldn't you? A Yes sir I might.

Q You are in doubt about that are you? A Yes sir.

Q How old was Emily when you saw her at Lawrence? A Little child

Q How long did you live in Lawrence? A I dont know how many years, I staid there a good while.

Q You dont know if it was one year or two years or 22 years? A I know it wasn't 22.

Q Was it over two? A Yes sir I gues it was.

Q How much over? A I dont know.

Q Was you living there as much as five years? A I dont know if I did or not, I know I was there that is all I do know.

Q Dant you give some idea—was you there as much as five years? A I dont know if I was there five years or over five years or under five years, I dont just exactly know the years or dates, I know I was there quite a while, I know I was there two or three years any way.

Q You can be sure in saying that it was over two years, two or three years? A Yes sir.

Q You wouldn't swear positively that you were there as much as five years though? A No sir.

Q You will swear positively that you were there as much as two or three years? A Yes sir for I know I was there that much.

-4-

Q Who did you live with there in Lawrence? A With my husband.
 Q Who was he? A Harry Gumber. Q Is he living or dead? A Dead.
 Q When did he die? A A year and six months ago.
 Q Since you came here? A Yes sir.
 Q You don't know what year it was when you went to Lawrence? A No sir
 I don't know that, I-
 Q It was some time after you went up there before you saw this
 Matilda? A Yes sir.
 Q When you discovered her there how far was she living from you? A
 Must have been 2 or 3 miles, she wasn't living right in town, she
 lived kinda in the country.
 Q You lived in town? A I lived on the north side of the river, the
 river was betwixt us and town.

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This will be filed in the original application, that of John J. Rose,
 C. F. D. 474 and also in Cherokee Freedmen doubtful cases, D-514;
 D-515; D-516; D-517; D-518; D-511; D-520; D-521; D-477; D-804; D-882;
 D-883 and R-132.

Chas. von Weise, being first duly sworn states that as stenographer
 to the Commission to the Five Civilized Tribes he reported in full
 all the proceedings in the above cause and that the foregoing is a
 full, true and correct transcript of his stenographic notes therein.

CHAS. VON WEISE
 STENOGRAPHER
 COMMISSION TO THE FIVE CIVILIZED TRIBES

Chas von Weise

Subscribed and sworn to before me this the 24th of October, 1901.

W. H. Hutchinson

Commissioner.

To be filed with _____

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 29th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe
Ross C.F.D. 350.

Appearances:

W.W.Hastings, for the Cherokee Nation.
Mallette & Smith for the applicants.

BY MR. HASTINGS: The Representatives of the Cherokee Na-
tion ask that the testimony of Sam Webber, re-called, in the
case of Jefferson Ross, and others, Freedmen D 972, be made a
part of the record in this case.

COMMISSION - - - It is further ordered that a set
of all the testimony given by Sam Webber, in Cherokee Freedmen
Doubtful case 872, the same being the case of Jefferson Ross
be filed in the case Cherokee Freedman D 350, of Joe Ross,
and in Cherokee Freedmen D 496, of Shlora Greyson and in
Cherokee Freedmen D 216, of Aaron Webber.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 26, 1901.

In the matter of the application of Jefferson Ross for the
enrollment of himself and four children as Cherokee Freedmen.

Appearances:

Mallette & Smith, attorneys for applicants;
W.W.Hastings, counsel for Cherokee Nation.

Sam Webber, being duly sworn by Commissioner Needles, testified
as follows:

Mr. Smith: What is your name? A. Sam Webber.

Q. How old are you? A. About 58.

Q. Where do you live? A. I live about two miles west of here.

Q. How long have you lived in the Cherokee Nation? A. I was born and
raised here, and after the war came back.

Q. Do you know this applicant, Jefferson Ross? A. Yes, sir.

Q. Were you acquainted with him before the war? A. No, sir, I
wasn't acquainted with him before the war.

Q. When did you first know him? A. I got acquainted with him just
after the war.

Q. Where? A. Here in the Nation.

Q. About what part of the Nation? A. He came to my house threoon
Big Creek in the Nation.

Q. What time? A. Along in the spring of '67.

Q. Do you know of your own knowledge when he first came back to
the Territory after the war? A. No, sir, I don't know of my own
knowledge.

Q. Do you know where he was living at the time he came to your house?

A. He had been working on Snow Creek he claimed and he was on his
way hunting his sister.

Q. Did you ever see him after you saw him that time? A. I put him
on the trail down to his sister's and I never saw him for quite a
little bit from that; when I saw him he was there on Lightning
Creek.

Q. Did you see him then after that at his sister's? A. I saw him
then often and on for near about two years I guess.

Q. Where? A. There at Lightning Creek.

- Q In the Cherokee Nation? A Yes, sir.
- Q Was he married or a single man at that time? A He was a single man to my knowledge.
- Q Do you know where he is living now? A No, sir, I don't.
- Mr. Hastings: You saw him around here for about two years?
- A Yes, sir.
- Q Then how long was it till you saw him again, Sam? A I remember after that of seeing him on Big Creek again.
- Q How long after that? A Must have been six months of a year after that I met him again there.
- Q You know where he was married? A No, sir, I can't tell you.
- Q Was he married at that time? A If he was I didn't know it.
- Q Did you know his wife? A No, sir, I don't know his wife.
- Q Did you ever see his wife? A Not to know it was her.
- Q Has this man ever kept house to your knowing? A When I saw him he was to his sister's.
- Q What was her name? A Katie Thornton.
- Q You never saw him in a separate, independent house, keeping house with his family? A No, sir, never did.
- Q What is his occupation? A I can't tell you.
- Q Did you ever see him making a crop anywhere? A I never saw him farming, I have seen him working for people around there.
- Q He never made a crop to your knowledge? A No, sir, not to my knowledge.
- Q Has he got any special occupation like a carpenter? A Not as I know of.
- Q What is Katie Thornton's husband named? A Henry Thornton.
- Q Was that her husband at that time? A Yes, sir.
- Q With whom does this man stay now? A I don't know that.
- Q You never saw him anywhere except around to his sister's? A That is all I have noticed him.
- Q Did he have any children when you saw him? A I never saw them if he did.
- Q You don't know where his family were, if he had any? A No, sir.

Sam Webber, re-called, testified as follows:

- Mr. Hastings: Mr. Webber, when were you first married? A When I first married, I married just a short while after the war, I don't remember what year.
- Q Before you came down here? A After I came down here.
- Q Well, about how many years after you came down here? A It wasn't a year I guess after I came here.
- Q Well, you know what time of the year you were married? A I was married along in the winter.
- Q Was that the same winter you came, or the winter of '67? A It was along about, it thowed in '67, it was after Christmas.
- Q You mean in January of '67 or the last part of '67? A It was along after Christmas, I don't remember the date.
- Q What was your wife named? A My wife at that time was Linda Martin.
- Q When did you commence keeping house? A I went in my house when I first came there.
- Q You and your wife keeping house separate and apart? A I was keeping house when I was single, I built me a little house, and was living in there.
- Q What time in the year did you and your wife move into that house? A We moved right in the house after we were married.
- Q And you don't remember when that was, what time of the year? A Along after Christmas; I was already in the house.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the forgoing copy and that the same is a true and complete copy of the original transcript.

(signed) M. D. Green.

Subscribed and sworn to before me this November 18, 1901.

(Signed) J. C. Starr,
Notary Public.

(SEAL)

F. A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I made the forgoing copy and that the same is a true and complete copy of a certified copy of the original transcript.

F. A. R. Cheever

Sworn to and subscribed before me this 11th day of August, 1902.

Rance E. Jones
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
SAMUEL BECK as a Cherokee freedman; introduced on part of the
Cherokee Nation:

Appearances:

L. T. Brown, Vinita, I. T., Agent for Applicant;
J. S. Davenport, Cherokee representative.

L. B. BELL, being duly sworn, testified as follows on
part of the Cherokee Nation:

MR. DAVENPORT:

- Q What is your name? A L. B. Bell.
Q Where do you live, Mr. Bell? A Vinita, Indian Territory.
Q How long have you lived in and near Vinita? A Oh, since '67,
including most of '67.
Q Was there any railroad running in or through Vinita when you
first moved into that community? A No, sir.
Q When did the railroad first come through that country, Mr. Bell?
A In 1871.
Q You know this applicant, Sam Beck? A No, I don't know him.
Q Don't know anything about him? A No, sir.
Q Was you living in that country before the railroad started from
Kansas through the Indian Territory; that is, the M. K. & T.?
A Well, I will tell you what I know about the railroad; The rail-
road come through the country in 1870, and on the application of
the Cherokee Nation, a complaint to the Secretary of the Interior,
they stopped building and during the session after 1870 of the
National Council of the Cherokee Nation, they passed an Act there,
it is dated the 14th of December, 1870, authorizing the furnishing
of cross-ties to the railroad, and agreeing that the railroad could
go through. The secretary hadn't determined which had the right-of-
way. They had begun it in 1870 and the M. K. & T. got the right-of-
way, and then they authorized the selling of cross-ties, and I went
to Chetopa and made a contract with the Company for cross-ties
enough to build from the Kansas line to Pryor Creek and sublet it.
Mr. Martin was one I sublet to, that was in 1870 that contract
was made, I don't recollect the exact date. Well, just a few days
following that we began getting cross-ties and then worked on down
to the Creek Nation. That was the first railroad built in the
country and first cross-ties was cut on the railroad in this
country.
Q You don't know anything about the wife of Beck or anything about
them? A No, I don't.

C. D. MARSHALL, being duly sworn, testified as follows on
part of the Cherokee Nation:

MR. DAVENPORT:

- Q What is your name? A C. D. Marshall.
Q Where do you live? A At Tahlequah.
Q How long have you lived in the Cherokee Nation?
A I was born and raised here; never was out except during the war.

Q Where did you live before moving to Tahlequah? A Lived on Grand river east of Choteau about ten miles.

Q Do you know Samuel Beck, the applicant in this case, or his family? A No, sir.

Q Where were you living along the latter part of the sixties or early part of the seventies? A On the Grand river.

Q Do you know about the year the K. K. & T. railroad built from Chetopa, Kansas, down through the Territory? A It must have been the latter part of '71 or '2.

Q Had you any connection with it any way that makes you remember it? A Yes, sir, I had a contract on the road, beginning at Bryant's lake, down this way.

Q And that was in what years it built down there? A The tier was put in there in the spring, latter part; it was in the spring of '71.

BY ATTORNEY WROWN:

Q You don't know the applicant, Mr. Markham? A No, sir, I don't.

Q You don't know to whom he belonged before the war or when he returned to the Cherokee Nation? A No, sir.

Commissioner: This testimony will also be filed in and made a part of the record in Cherokee freedman case No. D.351.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J. O. Rosson.

Subscribed and sworn to before me this February 27, 1902.

(signed) T. B. Needles,
Commissioner.

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I, A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I correctly copied the original of this case, and that the foregoing is a correct copy thereof.

A. R. Cheever

Sworn to and subscribed before me this 7th day of August, 1902.

George J. Jones
Notary Public.

"R"

File with Cherokee Freedman D- 804, William Rose.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., February 26, 1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF CHEROKEE NATION in the
matter of the application of EMILY NOLAN for enrollment as a Freed-
man of the Cherokee Nation, D-511.

Appearances:

Mr. Mellette, of Mellette & Smith, Vinita, I. T., at-
torneys for the applicants;
Mr. J.S. Davenport, of attorneys for the Cherokee Nation.

MARTHA PACK, being sworn and examined, testified as
follows:

BY MR. DAVENPORT:

- Q What is your name? A Martha Pack.
Q Where do you live? A Tahlequah.
Q How long have you lived in Tahlequah? A About 15 years.
Q Where did you live before you went to Tahlequah? A I lived
in Saline District.
Q Do you know a colored woman by the name of Emily Nolan now, that
is, who goes by that name at present? A I know her, but I don't
know her by that name.
Q What name do you know her by? A I know her by Emily Rose.
Q Where did you first get acquainted with her? A I got acquainted
with her in Coffeyville, Kansas.
Q How long ago was it that you got acquainted with her in Coffeyville
Kansas? A Well it has been about 25 years, if not longer.
Q Where was she living at that time, if you know? A She was living
in Coffeyville, Kansas.
Q Did you have any conversation with her at that time, become quite
well acquainted with her? A Yes sir, well acquainted with her.
Q Did she tell you anything about where she had lived prior to
moving to Coffeyville? A No, but they came from upper Kansas there.
Q Came from somewhere else in Kansas? A Yes, up above.
Q You know where she is living now, or about what locality?
A I think she lives on Big Creek or somewhere up in there.
Q In the Cherokee Nation? A Yes sir.
Q Have you seen her since you saw her when she was living in
Coffeyville, Kansas? A Oh yes sir, lots of times.
Q How long did she live in Coffeyville, Kansas, to your knowledge
after you got acquainted with her, or about how long? A Well about
two years I guess, I think.
Q You had never known her before the war had you? A No, never
known her.
Q She claims to have been a Dannenberg, I believe, you never knew
her until after she was living with John Rose? A She was living
with John Rose.
Q Was John Rose living with her after you got acquainted with her
in Kansas? A Yes sir. They were all living together, her mother,
Charley's Smith's wife.
Q What was her mother's name? A Tildy Lacey.
Q What was her sister's name? A Jane Smith.
Q You know where Jane Smith is living now? A She lives on Hickory
Creek.
Q That is in the Cherokee Nation? A Yes sir.
BY MR. MELLETTE:
Q What you say your name is? A Martha Pack.
Q How close is Coffeyville, Kansas to the line of the Cherokee
Nation? A Why I don't know exactly how close the line is, it was
15 miles at the time where I lived to Coffeyville.
Q Where did she live? A She lived in Coffeyville then.

- Q How do you know she did? A I worked there in Coffeyville, and ~~Robert~~ was well acquainted with her.
- Q How long did you work there? A Oh, I worked there a year or two.
- Q Which was it? A About a year I guess.
- Q She there all the time while you were there? A Yes sir.
- Q Where did they live? A They lived right in town.
- Q Were they ever in the Cherokee Nation any? A No sir.
- Q You say they never was over in the Cherokee Nation? A No, only when they went to church.
- Q How do you know? A Because I lived near them, I lived right there near, I didn't live with them, I was working right there, and was there every day.
- Q How close did you live? A About a hundred yards.
- Q You watched them all that year did you? A No, I didn't watch them, I was well acquainted with them.
- Q When were you first asked about this matter as to what you remembered about it? A Why I know about them?
- Q Yes. A Last summer.
- Q Then you remembered back 25 years? A Oh yes sir.
- Q And remember everything that the Rolens did 25 years ago? A No, I just know where they lived at, and was well acquainted with them.
- Q You know they lived right there in Coffeyville? A Yes sir.
- Q But you didn't watch them to know exactly where they went at different times? A Oh, I know where they lived because I passed them.
- Q Don't you know they were away from there months at a time? A No sir, they was not away from there while I was there; they might have went away after that. I know the time they come in the Cherokee Nation and made a crop.
- Q When was that? A I don't remember the year exactly, but it was the year that the grass-hoppers were just thick in the farms, that was the year that Joe Rose and Charley Smith came to the Cherokee nation and made a prop.
- Q What year was that? A I don't remember, I couldn't tell you that.
- Q Hadn't they been farming down in the Cherokee Nation all the while? A No, that is the first year they went.
- Q Where did they come from to Coffeyville? A They come from in above in Kansas.
- Q How do you know? A They said they come from above there, I didn't know it.
- Q How old are you? A I am about 43 or '4, along there.
- Q Then how many years ago was it you saw these people in Coffeyville? A It has been about 25.
- Q What makes you think it is 25 years? A Because my oldest child is 25 years old.
- Q When was that child born? A I couldn't tell you what year that was, but she is 25.
- Q Was she born while the Roses were living there in Coffeyville? A Yes sir.
- Q How do you know that? A I know that.
- Q You had a little baby to take care of didn't you? A ; No I come away from there, they had been living there quite a while.
- B1 COMMISSION: This testimony will be filed and made a part of the record in the following Cherokee Freedmen cases: B-477, D 514, D 515, D 516, D 517, D 518, D 520, D 521, and D 804.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me
this February 28, 1902.

M. D. Green
[Signature]
[Signature]

To be filed with C. P. D-804.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 11, 1902.

In the matter of the application of Charles C. Smith et al
for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-514.

Applicants represented by Mellette & Smith, Vinita, I. T.
Cherokee Nation represented by W. W. Hastings and J. S.
Davenport.

The Cherokee Nation by its representatives makes satisfactory proof of service on the applicants' attorneys, Mellette & Smith, that it would on the 11th day of April, 1902, at the office of the Commission at Muskogee, Indian Territory, introduce testimony tending to disprove the right of the said Charles C. Smith et al to enrollment as Cherokee Freedmen.

The applicants and their attorneys have this day, to wit the 11th day of April, 1902, been called and fail to respond either in person or by attorney.

HATTIE DRAKE, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Hattie Drake.
Q What is your age, Mrs. Drake? A 48 my next birthday.
Q Where do you live? A Lawrence, Kansas, Douglas County.
Q How long have you been living in Lawrence, Kansas? A Well, I was brought there when I was quite a little girl, and I lived there until after I was married, and then I went away and lived ten years, and then moved back to Lawrence and been there ever since, and that's been about seventeen years.
Q Well, where were you living when the war closed? A I was living in Lawrence, not in the city, in the country just a little piece from town.
Q Well, did you move into town after that, after the close of the war, immediately after the close of it? A No, sir.
Q You were living right in the edge of the town? A Yes, sir, you might say; I went to school in town.
Q Did you know a colored woman by the name of Matilda Dannenberg?
A I knowed a colored woman by the name of—knowed of her—by the name of Matilda Colbert.
Q Well, did you know any of her children? A Yes, sir.
Q What were their names? A One was named Jane and one was named Emily.
Q Did they have a brother there by the name of Jim? A Yes, sir, there was a little boy they called him either Jim or James, it seems to me they called him Jimmy.
Q Where did you know these girls? A I went to school with them in North Lawrence.
Q Was that after the war closed? A Yes, sir, I am pretty certain it was, I know where we lived when the war closed, and I went from there to school.
Q It was after this time? A Yes, sir.
Q How long did you go to school with them? A Well I couldn't tell just exactly how long, but I went to school two different times, I won't say terms, because I never did go to school a whole term in my life, but two different times I was at school with Jane and Emily; I won't say that I went to school with the little boy, but I have seen him, know him,

Q And you knew of their mother? A Yes, sir, I knew of their mother.

Q Did you know about where she lived in the town or city? A Well, I don't know as I was ever at her house, but my understanding was that she lived on Walnut Street in North Lawrence.

Q You knew of her living there? A Heard of it, yes, sir, heard of her living there.

Q You went to school two different times with them? A Yes, sir.

Q Do you remember what years they were? A No, sir, I couldn't tell you.

Q Couldn't tell? A No, sir.

Q Do you know what become of these girls? A No, sir, I don't know what become of them, but I heard, I heard that they moved from Lawrence to Topeka, but I never did see them in Topeka.

Q Well do you know whether Emily was married there or not? A I didn't see her married, I heard that she was.

Q Where? A In Lawrence.

Q To whom? A A man by the name of-- I heard her husband was named Rose, John, I believe, Rose.

Q You only heard of this like any other circumstance in the town? A Yes, sir, I didn't see them married and didn't know her husband.

Q Didn't know her husband? A No, sir.

Q Was Jane married when she left there? A If she was I never heard of it.

Q You heard when they left there that they went to Topeka? A Yes, sir, what I heard; Never saw them in Topeka at all.

Q Never saw them? A No, sir.

COLLUSION: How old did you say you were? A I am 47 past, I will be 48 years old the first day of June.

Q Where do you live? A I live in Lawrence, Kansas, Douglas County.

Q When did you first begin to know the mother of these children that you are speaking of? A Well, I didn't know the mother so well, I have just heard of her, know of her.

Q When did you begin to know the children? A When I was going to school with them.

Q You don't know when that was? A I couldn't tell you what year, m., sir.

Q About how old were you, have you any idea? A Well, I was about 11 or 12, between 11 and 13 years old I will say; my mother didn't exactly know my age, but that's what she says that she was--

Q Sometime after the close of the war was it? A Yes, sir.

Q Well, now, how long did these people continue to reside in the same community where you were living? A After I got acquainted with them?

Q Yes. A Well, I couldn't tell you.

Q Were they living there when you came, or did they come afterwards? A I couldn't tell you that.

Q Haven't you any idea how long they continued to live there? A No, sir, I don't know how long they lived there.

Q Do you know when they came to your neighborhood? A No, sir, I lived kind of in the country, and the cause of my knowing these girls I went to school with them, I met them first, I can remember I met them at school.

Q That was after the close of the war was it? A Yes, sir.

Q Do you know where they came from? A No, sir.

Q How long did you continue to know them at that place? A Well I couldn't tell that exactly; I know I went to two different schools with Emily and Jane, and I couldn't tell you just how long, I was quite a little girl myself.

Q Did you ever miss them from that neighborhood during the time that you were there? A Yes, sir.

Q Do you know where they went to? A I don't know where they went to, I heard they went to Topeka.
Q You don't know then that they did go to Topeka? A No, sir, I never seen them there.
Q Have you seen them since they left that place? A No, sir.
Q Have you ever heard of any of them? A Yes, sir.
Q Where were they living when you heard about them? A I heard that they was living in Topeka.

JOHNATHAN JONES, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Johnathan Jones.
Q Where do you live, Mr. Jones? A In Topeka, Kansas.
Q How long have you lived in Topeka? A Ever since '66, February '66.
Q You went there after the close of the war? A After the close of the war, I was mastered out—
Q What part of the city did you locate in when you first went there?
A When I first went, just outside of the town, out on the prairie just outside of the town.
Q Well, after you went to Topeka, Kansas, did you get acquainted with a colored woman by the name of Tildy Dannenberg or Matilda?
A Tildy Colbert she was called when I first got acquainted with her.
Q Well, do you know whether or not this Tildy Colbert as you knew her had any family? A Well, yes, sir, she had three children.
Q What were their names if you know? A There was Emma and Jane and Jim.
Q Was either of them married when you first got acquainted with them? A Well, yes, sir, Emma was married.
Q Do you know what her husband's name was? A John Rose.
Q Did you ever get acquainted with John Rose while they lived there?
A Yes, sir.
Q Well, was Jane married or not? A Well, she married afterwards, after they went to Topeka.
Q Do you know to whom she was married? A Oh yes, sir.
Q What was her husband's name? A Charley Smith.
Q Now about what year, about how long have you been in Topeka before you got acquainted with Matilda Colbert? A Well, I suppose I had been there about two years before I got acquainted with them, I ain't positive, a year or two anyway, I can't say positively.
Q How far did you live from them when they first located? A Well, when I first got acquainted with them I lived—they lived on Jefferson and I lived down on—
Q Jefferson street you mean? A Yes, sir, on Jefferson street, and I lived down on Washington close to Crane.
Q Well, did they afterwards move? A Yes, sir, they moved and lived about, I suppose from here over to the building across the way. (Pointing across the street.)
Q That street did they live on then? A Crane street.
Q How far from you then did they live when they lived on Crane?
A Well, about as far as from here over to that building across the street.
Q About how far would you estimate that? A They was about half their lot.
Q About half a block? A About half their lot, just the length of 150 feet their lot was you know, and they was a little over half way from me.
Q Well, now, did this woman Matilda Colbert as you knew her, marry any more while you knew her? A Well, I can't tell you whether she

married or not, but it strikes me that she did.

Q Now Mr. Jones, how long after you got acquainted with Matilda Colbert and her children did they continue to live in Topeka or near Topeka? A Well, I suppose they lived there about six years, somewhere about that, after I got acquainted with them five or six years as near as I can recollect.

Q Well now while the family lived there was you well acquainted with them? A Oh, I was, yes, sir.

Q About how often would you see them when they were living on Crane Street? A Every day.

Q Did they continue to make that their home? A Yes, sir, till they sold out to come down.

Q Do you know whether or not they owned their property there? A Yes, sir, she owned it.

Q Now this Jim you speak of, what name did he go by? A Jim Colbert.

Q And Jane had married Charley Smith while- A She was Jane Colbert when they first went there.

Q And Emily had married? A Married John Rose when they first came.

Q Well, now, do you know where they said they came from when they come to Topeka; where did they say they came from? A Lawrence.

Q Lawrence, Kansas? A Yes, sir.

Q Well, now, about what year did they leave or move away from Topeka, Mr. Jones? A I suppose in '73 or '4, I ain't positive just which, but somewhere along there.

Q They came to Topeka about what year? A They come there I suppose, just my idea is as well as I can recollect, in '68 or '9. I couldn't say positively, but '68 or '9.

Q Went away from there about '73 or '4? A Yes, sir.

Q Somewhere so long there? A Somewhere there in that neighborhood, right close about that.

COMMISSIONER: You didn't learn to know these people until about two years after you came to Topeka, Kansas? A Well, somewhere about that, I couldn't say positively just exactly what time, but then somewhere in the neighborhood of two years I got acquainted.

Q It was approximately two years after you came to Topeka when you first learned to know them? A Yes, sir.

Q You went to Topeka in '66? A In '66.

Q You don't know where these people were in '66? A I don't.

Q Haven't any idea? A No, sir.

Q Well now how long did they continue to reside there at Topeka, Kansas; about how long? A Well, I suppose they staid there some five or six years.

Q Do you know where they went to then? A Well, yes, sir, they came down to the Territory.

Q To the Cherokee Nation? A Yes, sir.

Q Haven't they resided in Topeka since that time? A No, sir, not that I know of.

MR. DAVENPORT: The Cherokee Nation offers in evidence a certified copy of a marriage license of Joseph Lacy, of Topeka, Kansas, to Matilda Dannenburg, of Topeka, Kansas, dated February 6, A. D. 1869; also marriage license of William Rose, of Topeka, Kansas, to Matilda McCoy, of Topeka, Kansas, dated April 5, 1878; said documents being as follows:

State of Kansas, }
County of Shawnee. } ss. Office of Probate Judge of said County.

Be it remembered, that on the sixth day of February, A. D. 1869, there was issued from the office of said Probate Judge, a Marriage License

copies, of which the following is a true copy:

--- Marriage License: ---

Shawnee County, State of Kansas, February 6,
A. D. 1869.

To Any Person Authorized by Law to Perform the Marriage Ceremony
GREETING:

You are hereby authorized to join in Marriage, Joseph Lacy of Topeka, aged 26 years and Matilda Deninburg, of Topeka, aged 30 and of this License you will make due return to my office within thirty days.

(Seal) Lewis Hanback, Probate Judge.

And which said Marriage License was afterwards, to wit:-- on the 25th day of February, A. D. 1869, returned to said Probate Judge, with the following certificate endorsed thereon, to wit:
State of Kansas, County of Shawnee, SS.--

I, Thos. Wilson, Clergyman do hereby certify, that in accordance with the authorization of the within license, I did on the 7th day of February, A. D. 1869, at Topeka, in said County, join and unite in Marriage the within named Joseph Lacy and Matilda Deninburg.

Witness my hand and seal this day and year above written.
Thos. Wilson.

Attest:

Lewis Hanback,
Probate Judge.

State of Kansas, }
County of Shawnee. } Office of Probate Judge of said County.

Be it remembered, That on the fifth day of April, A. D. 1873, there was issued from the office of said Probate Judge, a Marriage License, of which the following is a true copy:

--- Marriage License: ---

Topeka, Shawnee County, State of Kansas,
April 5th, A. D. 1873.

To Any Person Authorized by Law to Perform the Marriage Ceremony
Greeting:

You are hereby authorized to join in Marriage, William Rose of Topeka, Kansas, aged 24 years and Matilda Lacey of Topeka, Kansas, aged 33 years and of this License you will make due return to my office within thirty days.

(Seal) D. C. Metaker, Probate Judge.

And which said Marriage License was afterwards, to wit: on the 30th day of April, 1873, returned to said Probate Judge with the following Certificate endorsed thereon, to wit:
State of Kansas, Shawnee County, SS.--

I, Rev. E. S. Corn, do hereby certify that in accordance with the authorization of the within License, I did on the sixth day of April, A. D. 1873, at Topeka, in said County, join and unite in Marriage the within named William Rose and Matilda Lacey.

Witness my hand and seal this day and year above written.
E. S. Corn.

Attest:

D. C. Metaker,
Probate Judge.

I, W. E. FAGAN, Judge and ex officio Clerk of the Probate Court within and for the County of Shawnee and State of Kansas, do hereby certify that the above and foregoing is a full, true and correct copy of the original marriage license issued by the Probate Judge of this

county to Joseph Lacy and Matilda Deninburg, the original marriage license issued by said Judge to William Ross and Matilda Lacy, and of the original returns endorsed on said licenses by the persons performing the marriage ceremony as the same appears on file and of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court, at my office in the City of Topeka, this 5th day of April, 1902.

W. E. Fagan, Probate Judge.

(Seal)

Also a certificate which is as follows:

Topeka, Kansas, April 8, 1902.

State of Kansas,)
Shawnee County,) ss.

I, F. L. Stephens, Reg. of Deeds of above named county and state, do hereby certify that the records of this office show that one Matilda Lacy acquired title to lot No. 252 on Crane Street in Crane's Add. to Topeka, Kansas, from F. L. Crane, on the 2d day of June, 1871, and further show that she disposed of lot No. 252 on Crane Street in Crane's Add. to Topeka, Kansas, to a Matilda Freeman on the 18th day of June, 1874.

Witness my hand and seal of office this 8th day of April, A. D. 1902.

F. L. Stephens,

Reg. of Deeds Shawnee County, State of Kansas

(Seal and stamp)

The representatives of the Cherokee Nation offer in evidence a certified copy of marriage license of John J. Ross, of Douglas County, Kansas, to Emma Pollard, Douglas County, Kansas, dated June 28, 1867.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-474, D-511, D-520, D-518, D-521, D-504, D-477, D-516, D-517, D-515, D-522, D-523, and in the case at bar, D-514.

Arthur G. Croninger, being duly sworn, stated that he stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 14th day of April, 1902.

Charles J. Kuster
Notary Public.

Wanda Brown

[Handwritten signature]

...born to perform the duty of ...

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 25, 1902.

In the matter of the application of Emma McJee et al for enrollment as Cherokee Freedmen, P. D. 173.

Applicants represented by A. S. McKee, Muskogee, I.T.
Cherokee Nation represented by James S. Davenport.

COMMISSION: The representative of the Cherokee Nation makes satisfactory proof of service that testimony would be introduced in behalf of the Cherokee Nation on the 22nd day of April, 1902, at the office of the Commission at Muskogee, Indian Territory.

ELIZABETH DRUM, being first duly sworn, testified as follows:

- MR. DAVENPORT: What is your name? A Elizabeth Drum.
- Q Where do you live, Mrs. Drum? A I live near Illinois Station, Cherokee Nation? A In Illinois District, yes, sir.
- Q How old are you? A I couldn't tell you just exactly my age, I don't know; I'm over 70 though.
- Q Was you born and raised in the Cherokee Nation? A Yes, sir.
- Q Near what place were you raised? A I was born back in the old country.
- Q Did you know Ocie Brown during his lifetime who was a Cherokee man? A Yes, sir, I knew Ocie Brown.
- Q Do you know whether or not he was living when the Civil War broke out? A He wasn't living, he was dead.
- Q Where had he been making his home prior to his death, Mrs. Drum? A Well, he made his home in Canadian and in the Choctaw Nation.
- Q Choctaw Nation? A Yes, sir.
- Q Did you know his son Richard Brown? A Yes, sir.
- Q Was he living or was he dead at the breaking out of the war? A He was killed.
- Q Where was he at the time he was killed, if you know? A He was in the Choctaw Nation somewhere.
- Q Did he have a home down there at that time? A Yes, sir, I think so; he married over there.
- Q Had married a Choctaw? A Yes, sir, married a Choctaw.
- MR. McKEE: I understood you to say, Mrs. Drum, that Mr. Richard Brown was a Native Cherokee Indian, wasn't he? A He was Cherokee, yes, sir, he was Cherokee.
- Q And he was only an adopted citizen if he was a citizen at all of the Choctaw Nation, he was adopted? A I don't know; he was married over there.
- Q Well, do you know-- A I don't know but what he was part Choctaw himself, I don't know about that; he was Ocie's son, I know that; but I don't know his mother.
- Q Well now what was Mr. Ocie Brown's nationality, what was his blood? A Cherokee.
- Q Then his son Richard would be Cherokee also would he not? A Yes, sir.
- Q Did Mr. Richard Brown ever live in the Cherokee Nation, Mrs. Drum? A I don't know; I don't know; I don't believe his son ever did, I don't remember; I guess he did when he was a child.
- Q Did you know any of the slaves belonging to the estate of Ocie Brown? A No, sir.
- Q Wasn't acquainted with any of the slaves? A No, sir.
- Q Did you know the mother of Richard Brown? A No, sir, I didn't know her.

Q Did Ocie Brown or his son ever live in the Cherokee Nation, Indian Territory? A Yes, sir, a long time ago.

Q When did he die? A Ocie Brown?

Q Yes. A Well, alone about four or five years before the war.

Q I say where did he die? A Over the line I think in the Choctaw Nation somewhere.

Q Now I understood you to say a while ago that he lived, Richard Brown lived part of the time in the Cherokee Nation and part of the time in the Choctaw Nation? A I said maybe when he was a child he might have been in the Nation here.

Q That is Richard Brown? A Yes, sir, Ocie's son. I know he lived in the Choctaw Nation all his life pretty near ever since he got grown man.

Q Did he have any slaves, Richard? A I don't know, I guess they did, a few, two or three.

LEWIS F. BROWN: Did Ocie Brown own any slaves? A Well, I said I guess he did.

Q You don't know any of their names, do you? A No, sir. I don't remember the darkies' names, I know Mr. Brown's son.

Q Was Ocie Brown's wife a citizen of the Choctaw Nation at the beginning of the war? A Ocie Brown's?

Q Yes. A She was a Cherokee lady.

Q Was Ocie Brown's citizenship Choctaw? A Well, I don't know; he lived over there.

Q Well, Richard Brown's wife was a Choctaw, wasn't she? A Yes, sir.

MR. MOREA: Well you just stated that Ocie Brown's wife was a Cherokee, the mother of Richard Brown, she was a Cherokee? A She wasn't his mother.

Q She wasn't the mother of Richard Brown? A No, sir, Betsy just had one child, a boy, and he's dead now I guess.

Q Well, did you know the mother of Richard Brown? A I told you I didn't know her.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-511, D-518, D-520, D-531, D-504, D-547, D-514, D-516, D-517, D-515, D-48, and D-475, being the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 25th day of April, 1902.

[Signature]
Notary Public.

RECORDS SECTION
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COMMISSION TO THE ...

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To be filed with F. D. 604.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May, 13, 1903.

In the matter of the application of Elizabeth Heigs for the enrollment of herself as a Cherokee Freedman.

Cherokee Nation appears by F. S. Hastings.
Applicant appears by L. E. Brown.

MRS. LYDIA BARTON, being first duly sworn testified as follows:

- MR. HASTINGS: What is your name? A. Yes, Lydia Barton.
- Q What is your residence? A. Fort Scott, Kansas.
- Q Do you hold any official position at the present time? A. Yes, sir.
- Q What is it? A. County Clerk.
- Q Of the county in which Fort Scott is located? A. Yes, sir.
- Q Have you an official paper? A. Yes, sir.
- Q What is it? A. Our official paper at the present time is the Republican, but that changes you know from time to time.
- Q Do you know what your official paper was in December, 1897, and up to and including March of 1897? A. Yes, sir.
- Q What was it? A. The Fort Scott Monitor.
- Q Are you required to keep files of this paper in your office? A. We are.
- Q Have you a file of the official paper including December, 23, 1897 up to and including March of 1897? A. Yes, sir. (Here presents files.)

MR. HASTINGS: The Cherokee Nation offers in evidence the account found in the Fort Scott Monitor of date Wednesday, December, 23, 1897, found on the second column of the editorial page, headed "Another Murder."

MR. BROWN: Come now the agent for the applicant and objects to the introduction of these newspaper accounts for the reason that they are incompetent, irrelevant and immaterial, and purely hearsay.

COMMISSIONER: The objection will be noted and the newspaper accounts introduced in evidence and considered for what they are worth.

"Another Murder."

Shooting of D. Hayford.

Testimony given before the coroner.

On Saturday night, the 23rd. inst., after dark, Mr. Dyer Hayford, of this city was found murdered. A colored man, named Eli Mackey, has been arrested, and is in jail, charged with the crime. There would not seem to be much, if any, doubt of his guilt. Mr. Hayford, has been a resident of Fort Scott for several years, has kept a grocery and provision store on the corner of Williams and Fifth Streets, and was a very quiet and inoffensive man. The facts of his murder as we learn them, are these:

On Saturday, about dark, the sack of flour which Mr. Hayford had placed on a box, outside the door of his store, was stolen. Being missed almost immediately, and learning that Mackey had taken it, and was then on his way home with it, (Mackey resides near Fort Scott Mills,) Mr. Hayford jumped on a horse and started towards the mill. He had not been gone more than twenty or thirty minutes before several shots were fired, on the road between the city and the mills, where Mr. Hayford was found on the ground, in the last agonies of death. He had received four shots from a weapon, evidently a revolver.

suspicion was at once directed to Mackey as he was arrested. As the news spread through the city, the excitement and the indignation was great, and many threats of lynching Mackey were made; but wiser and better counsels prevailed, and there was no disturbance.

On Sunday, Justice Maygrave was called on to hold a coroner's inquest. A jury was empanelled, consisting of Messrs. C. F. Drake, Joseph Ray, Frank Clough, Porter Williams, Jos. Farden, and P. L. Phillips. The body of Mr. Hayford having removed to his late residence, the jury proceeded to inquire into the cause of his death. We give the principal part of the testimony given before the jury.

Drs. J. S. Redfield and B. F. Herler made a post-mortem examination, and testified that they found four pistol or gun-shot wounds on the body and face of Dyer Hayford, then lying dead before them. One shot entered the region of the stomach which came out over the liver, in the side of the back. This wound bears evidence that the pistol was held close to the body when discharged. Two other wounds found on the body were about two inches above the left nipple and about an inch and a half apart, one ball passing through, coming out below the left shoulder, the other ranging downward, and was found close to the spinal column, a few inches below the lower ribs on the left side of the body. The fourth ball entered the upper part of the chin, not fracturing the bone, and lodged in the right shoulder, (evidently fired, we think, after he was on the ground.) The surgeons testified that any of the three wounds found on his body would have been mortal.

Alonzo Gullin, (colored) sworn - Was at Hayford's Saturday evening, just after six o'clock, came on horseback, left my horse at the door, went in and found Hayford alone and moving toward the door; Eli Mackey, colored, was standing on the walk when I went into Hayford's; a sack of flour was standing on the box at the door when I went in; Hayford came out and the flour was gone; he asked me who was there when I came in, and I told him; asked me to get on my horse and follow Mackey and see if he had the flour; did so; rode very fast and overtook Mackey at the mill, going toward the mill; he had stopped and the sack of flour was on the ground beside him; his coat was off and thrown over the flour but the end of the sack was in sight. I rode close to him; he put his hands up to his sides and was blowing right and left; I inquired if he had seen a steer with a rope on his neck; he said no; I rode back toward Hayford's and told him Mackey had the flour and where it was; Hayford said he would go and get the flour, and asked me for my pony; he got on and rode down the road; he had been gone a good while before I heard the firing; he had been gone long enough to ride to the mill and back to the place where he was shot, before I heard the firing. When I saw Mackey at Hayford's he had on a soldier's coat; it was off when I found him with the flour. Didn't notice that at any time whether Mackey had any arms or weapons with him; saw him again after he was arrested, a short time after Hayford was killed; he then had a different coat. He asked what he was arrested for; he was told, for stealing flour; he asked who had seen him with the flour; he was then told he had shot Hayford, and he said he had nothing to shoot with. I know that he generally carried a revolver; when I saw him with the flour I didn't notice whether he had one or not. When Hayford started from the store, he said he would go and get Mr. Myers to go with him to get the flour; from the place where I saw Mackey with the flour to that where Hayford was shot, is about one hundred yards. I heard three shots distinctly.

Harry Lender, (colored) sworn - Saturday evening heard several shots fired. Was at home, lived near the mill close by Eli Mackey. About twenty minutes after the shots were fired Mackey came to my door; asked me if his wife was there; told him no. He seemed to be in a hurry. He had on a black soldier's coat; the shooting sounded as if it was south from my house, and about the place where Hayford was found; someone rode down to Mackey's and returned about fifteen minutes, before the shots were fired. Saw the coat which Mackey wore when he came to my house, at his house afterward. - Do not know whether he had any revolver then or not, he usually carries one, have seen him have one several times. I did not notice any flour on his coat. It was a navy revolver which Mackey usually carried. He also owns a gun; didn't see that at his house that night. When Mackey left my house he went to his house, and soon afterward heard him going back to town whistling. Mr. Jones found the sack of flour at the edge of the creek; looked as if thrown down the bank. Was found about twenty yards from Mackey's house. Saw Mackey have a revolver on Friday the day before Hayford was killed.

E. C. H. Myers, sworn - I live about 100 yards west of Eli Mackey's. Saturday night was at home sick abed; a man came to my house and inquired for me; I heard him and knew by his voice that it was Mr. Hayford; have known him several years. He left and my wife said he rode in a northerly direction, that is the way from my house to Mackey's. About five minutes after he left I heard four distinct shots. From the sound thought they were about 150 yards off and southwest from my house. After the firing heard someone walking past, whistling; he was going towards town.

Stephen Looney, (col.) sworn - After dark Saturday night I saw Eli Mackey at Smith's saloon. He asked me to play cards with him that night. He went out and I told him not to stay long. I waited a good bit and Mackey didn't come back and I went out and called him; he didn't answer; I then went over to Hayford's and learned that a sack of flour had been stolen. Didn't notice whether Hayford was there or not. Alonzo Cullin told me he saw Mackey on the road towards home, and that Mackey heard me call, but wouldn't answer. Didn't see Mackey again until Mr. Jones had arrested him, and brought him up to town. When I saw Mackey at Smith's he had on a soldier's frock coat; he had a revolver on him then; it was a big navy revolver. When I saw him after he was arrested, I think he had on a different coat.

Daniel O'Neil, sworn - Saturday night I was at Kirby's and heard a shot fired, and soon after heard a man halloo; run out and another shot was fired before I got out; immediately after heard another shot and saw the flash of a pistol down in the bottom toward the mill. Alex Harris, Westly Dickey and myself run down the road. We found a man lying on his side; his face was turned downward; he was alive but could not speak. From the sound I know it was a pistol that was fired. Came to town to find Mr. Jones, Deputy Marshal.

The coroner's jury returned to the justice their inquisition, stating that Dyer Hayford came to his death by gun-shot wounds received at the hands of Eli Mackey; they also found that Mackey had feloniously and wilfully fired the revolver at Mr. Hayford with intent to kill him.

Mackey will have his examination soon, before Justice Margrave, and will no doubt be committed for trial at the next April term of the district court. Mackey is said to be a very dangerous man; he was raised in the Cherokee Nation, and is said to be part Cherokee. He is also accused of having assassinated two men in the Nation, before he came to Fort Scott,

and he was once before arrested here, for shooting at a man, who before his trial care off the prosecuting witness left for some unknown, and Mackey was discharged without trial. Let him be tried for the offence with which he now stands charged, and if guilty he should expiate his crime on the gallows."

MR. HASTINGS: I desire to introduce an editorial from the Fort Scott Monitor of date February, 27, 1867, as follows:

Uli Mackey, colored, accused of the murder of Dyer Hayford, confined in our jail, to await his trial at the next term of the District Court, for murder in the first degree, escaped last evening, and up to the time of going to press this morning, has not been heard of. A reward of two hundred dollars is offered for his apprehension."

MR. HASTINGS: The Cherokee Nation offers in evidence the following from the Fort Scott Monitor of Wednesday, March 27, 1867:

"A Chapter of Horrors.

Murderer of Hayford Captured and Hung.

Tragical events connected with the affair.

The history of our community for the past week is replete with horrors, such as will, for long days to come, overshadow the hearts of our citizens with gloom.

A few weeks ago, we published an account of the escape of Uli Mackey, the black fiend, who last winter murdered Dyer Hayford. Ever since that time the officers of justice have been on the alert with a view of his recapture, and on Wednesday, the 20th inst., Deputy Sheriff Wheaton, having learned that the murderer was concealed in his brother's house, about five miles northwest of this city, started, in company with his son, Charles T. Wheaton, Edward Coe - who were on police duty in this city - and Genj. Files, for the purpose of capturing him.

On arriving at the house, Messrs. Coe and Wheaton, Jr., approached and ordered the wretch to surrender. In return he fired several shots through the partially open door, and then ran out of the house into the open prairie. Coe, being nearest, received the first shots that were fired. He stepped to the corner of the house, sat down and expired in about fifteen minutes. Immediately after Charley Wheaton received a ball in the right side and fell to the ground. For some time no hope was entertained for his recovery; but at the present writing his condition is improved, and his friends entertain some hopes that he will live.

In the mean time a number of the neighbors had gone around and headed by Capt. Curtis Johnson, Mr. Files and Mr. Dickinson started in pursuit. The murderer, with a gun and revolver in his hands, ran fleetly across the prairie, firing at his pursuers as he ran, and dropping down to load as fast as his weapon became empty. Finally, when nearly dead from the wounds he received from his pursuers, he signified his readiness to surrender; but even after they approached him his bloodthirsty spirit was not satisfied, and he fired the two remaining shots in his revolver at the crowd. Fortunately, no one was injured, though Mr. Dickinson had part of his coat shot off. After the murderer was secured he was taken back to the house from which he had fled and hung by the neck until he was dead. Before his death he tried to implicate an innocent negro in the murder of Mr. Hayford, but having been caught in the falsehood, he confessed to having committed the deed himself. He also confessed to having killed five other men, and also to having shot at Major Mafford last winter. - All reports indicate that he has always been a character with scarcely a parallel in the annals of history for desperation

and bloodthirstiness. - We are informed that at one time, in the Cherokee Nation, 25 men attempted to arrest him but failed on account of his desperation. The colored people, who knew him, were terrible afraid of him. History has seldom presented a character so utterly lost even to every sentiment of humanity.

As a general rule, we have always depreciated the taking of life except by due process of law, as dangerous to the peace and quiet of the community and to the best interests of society. We have always found that nothing but the most extreme necessity would justify it, but we believe in this instance that necessity existed; for every moment this desperado was allowed to live, endangered the lives of good citizens. We learn that the house he occupied was since burned to the ground. The sufferers from their attempt to arrest him, were among the best of our young men. As members of the police force of this city they have performed their duties faithfully. Generous and brave to a fault, the death of one and the danger to the other creates a spirit of sadness that cannot soon be eradicated.

The body of Mr. Coe was brought into the city, and on Friday after a funeral sermon by Mr. Irwin was escorted by a large procession, headed by the members of the Grand Army of the Republic, to the cemetery where it was interred.

Sequel.

On Thursday night a crowd of about fifty men, still laboring under the excitement growing out of the tragedy of Wednesday, entered the jail and having possessed themselves of the keys took Jackson Mackey and Harry Vahn - on the brother who harbored the murderer and the other charged with furnishing provisions and aiding in his concealment, to the ravine near the poorhouse and hung them to a tree where their lifeless bodies were found next morning. So quietly was this done that few in the city except those who participated knew of it until the next morning."

Benjamin Files, being first duly sworn, testified as follows:

MR. HASTINGS: What's your name? A Benjamin Files.

Q What is your postoffice? A Fort Scott.

Q Kansas? A Kansas, yes, sir.

Q Were you living there at the close of the war? A Yes, sir.

Q Were you living there in '66, December? A I have lived there ever since '62.

Q Did you know Dyer Hayford? A Yes, sir.

Q Had you known him before December '66? A Yes sir, I had known him in the neighborhood of two years before that and knew him up until that time.

Q Was he killed? A He was killed at Fort Scott.

Q Was he killed in the town? A He was killed just at the brink of the hill along in the mouth; yes, sir he was killed in the city just about the brink of the hill.

Q About what time of the day was he killed? A He was killed just after dark, just dark.

Q Do you know who killed him, who was said to have killed him, who was accused of killing him? A Yes, sir.

Q Who? A Eli Mackey.

Q Was he a colored man? A Yes sir, he was.

Q Did you assist in his arrest? Yes, sir.

Q Who arrested him? Myself and a man we called Deacon Jones.

Q. That this other man here with you? A. Yes, sir.
Q. About how long after this reported killing? A. I heard the shots fired, then ran down there and ran over him: I lit a match and this man drew his breath twice. From the time the shots fired I wouldn't it was more than twenty minutes.
Q. Twenty minutes? A. Yes, sir.
Q. Had it become generally known at the time of the arrest? A. No, sir.
Q. There was no time for the public to know? A. Only a few people knew I heard the shots fired, myself and ran down there.
Q. And a few people knew that the killing had taken place before he was arrested? A. Yes, sir.
Q. And the excitement then, was that after that? A. Yes, sir, they didn't have time to kneel to.
Q. Was he put in jail? A. Yes, sir.
Q. You remember how long he remained in jail? A. Till about the twentieth, sometime in February, 26th I think it was.
Q. Of February following, of 1867? A. Yes, sir.
Q. Well did he make his escape? A. He got away.
Q. He got away? A. Yes, sir, he got past the turnkey, H. Coe.
Q. Ed Coe was the turnkey was he? A. Yes, sir.
Q. I will ask you then if there was any searching parties out for this man? Yes, sir.
Q. For how long? I think he was killed on the 20th of March.
Q. From then about the 26th of February until the 20th of March people looked for him, a reward offered for him? Yes, sir, some three hundred dollars I believe.
Q. Well were there quite a number of people out searching for him? A. Yes, sir.
Q. Considerable excitement at that time? A. Yes, sir.
Q. Did people go out in the country looking for him? A. Yes, sir, and searched houses and searched farms, they looked around for him, but failed to find him.
Q. Up until that time? Yes, sir.
Q. You say that was for about three weeks? A. Yes, sir, something over three weeks.
Q. From the 26th of February up until about the 20th of March? A. Yes, sir.
Q. Do you know whether this Ed Mackey was reputed to be a Cherokee darkey or not? A. Yes, sir, he was.
Q. I believe there was a newspaper account to the effect that when he was captured he was being lynched? A. He was killed, yes, sir.
Q. That I want to get particularly from you was whether there was any search made for him at the time he was killed or whether search was made for him after his escape, after the 20th of February? A. There was no search made for Mackey until he broke jail.
Q. No houses searched, nor no wagons, nor no nothing when he was first captured? A. He was in jail. I don't think it was much over a half an hour, I don't think it was any; he was in jail in not much over half an hour after he shot Hayford. I heard the shot that killed Hayford.
Q. And you helped to arrest him? Yes, sir, I got to Hayford before he died, but he was too far gone: I lit a match and he was too far gone to speak.
Q. You had known Hayford prior to that time? A. Yes, sir, him and me was friends.
Q. You was a friend of his? A. Yes, sir.

H. C. Jones, being first duly sworn, testified as follows:

- MR. HASTINGS: What is your name? A H. C. Jones.
- Q What is your postoffice? A Fort Scott.
- Q Kansas? A Kansas, yes, sir.
- Q What is your age, please sir? A 66.
- Q Were you holding any office in the town of Fort Scott, Kansas, in December of '67? A I was.
- Q Well were you holding any office at the time a man by the name of Hayford was killed by Eli Mackey? A I was.
- Q What office was that? A City marshal, called town constable.
- Q You was a city policeman? A Yes, sir.
- Q Did you assist in his first arrest? A I did.
- Q Who resisted you in the arrest? A Mr. Benjamin Files.
- Q This man that's present here? A Yes, sir.
- Q Did you hear the shots that killed Hayford? A I did.
- Q How soon after Hayford was killed was Mackey arrested, Eli Mackey? A 20 or 25 minutes, inside of a half hour at most.
- Q Very short time? A Yes, sir.
- Q Had any houses or wagons or anything of that kind been searched in the mean time? A No, sir, there was no knowledge.
- Q People didn't generally know it up to that time? A No, sir.
- Q Put in jail then? A He was taken right to the jail as soon as he was arrested, he was hurried off to jail for fear of any mob violence.
- Q Well how long did he remain in jail, do you remember? A Why I think something like six weeks or more.
- Q Well the Fort Scott Monitor puts it about February 26th? A I presume that was right, it was correct. It was hard for me to remember exactly.
- Q Well he remained in jail up to that time? A Up till that time, he was not out of jail except while he was under guard.
- Q He made his escape then? A He made his escape, yes, sir, at the time.
- Q You know how long he was at large? A Well I put it something like three weeks.
- Q I will ask you if there was any searches at that time made for him? A You mean after?
- Q When he got away after February 26th? A Oh yes, sir, there was considerable hunt for him at that time.
- Q Reward offered for him? A Yes, sir, reward offered.
- Q People searched around in the country for him? A There was quite a number of both officials and independent searches, they would search for him for the first couple of weeks of his escape from there.
- Q He was afterwards captured was he? A Yes, sir, he was located afterwards, he hadn't been out of a radius of probably ten miles from there after he got away, he was captured.
- Q Do you know whether this Eli Mackey was reputed to be a Cherokee colored man? A He was called a Cherokee refugee, yes, sir, had the reputation, that is his name, of being a Cherokee nigger.
- MR. HASTINGS: You are positive about these dates? A To the best of my knowledge now, I would have put it, that is, a week before the holidays, and I know it was only a few days before Christmas when the killing was done.
- Q '67? A In '66 the killing was done.
- Q Few days before Christmas of '66? A Yes, sir.

MR. HASTINGS: The Cherokee Nation asks that all the testimony introduced in the case of Agon Webber, D-216, with reference to the return of the Webber detachment, be introduced and made a part of the record in this case.

MR. BROWN: Comes now the agent for the applicant and moves the Commission to strike from the records of this case all the testimony taken on this day, for the reason that it is incompetent, irrelevant, and immaterial and not the best evidence, it being purely hearsay.

COMMISSION: The request of the representative of the Cherokee Nation will be complied with, and the testimony filed.

This testimony will be filed with and made a part of the records in the following Cherokee Freedmen cases: No. D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-775, and in D-391, the same being the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) Arthur G. Croninger.

Subscribed and sworn to before me this 14th day of May, 1902.

(Seal)

(signed) Philip G. Ruyter,

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission as the same was made by me.

Arthur G. Evans

Subscribed and sworn to before me this 23rd day of July, 1902.

Philip G. Ruyter
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, T. T., May 20, 1902.

In the matter of the application of Edward Wright for enrollment of himself as a Cherokee Freedman.

APPEARANCES:

Ben J. Scoville, representing E. B. Lawson, for applicant.
W. W. Hastings, for Cherokee Nation.

COMMISSIONER: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's attorney that it would, on the 20th day of May, 1902 introduce testimony tending to disprove the right of the said Edward Wright to enrollment as a Cherokee Freedman. The applicant this day appears by his attorney, E. B. Lawson, who is represented by Ben J. Scoville, Nowata, Indian Territory.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Cherokee Commission on Citizenship as found on page 55 of a book taken from the records of the Executive Department of the Cherokee Nation entitled, "Docket of the Cherokee Commission on Citizenship," as follows:

"No. 25 Edward Wright vs Cherokee Nation. (Ex. 7th of June. Answer filed.)

Judgment against claimant June 27, 1879."

The Cherokee Nation also offers in evidence from the same record as above page 57 of the same, the following:

"No. 29, Major Wright vs Cherokee Nation. (Ex. June 7th. Statement filed on the 28 of June, 1st July set, 1st Aug. set for trial; Judgment against claimant June 27th, 1879."

The Cherokee Nation offers in evidence the application made for citizenship in the Cherokee Nation by Lewis Whitire on the 26th day of June, 1878, as found on pages 184 and 3 of book B, entitled, "Citizenship record 1874," as follows:

"Before the Commission sitting at Tahlequah to try claims to Cherokee citizenship.

The undersigned claimant in the case of Lewis Whitire

vs Cherokee Nation

respectfully presents the following statement of his claim according to the requirement of the Commission.

Claimant claims under classification five of claimants in the law creating this Commission, that is, as a colored person formerly a slave owned by a citizen and resident of the Nation at the

beginning of the late war, freed by law and made a citizen of this Nation by provision of the treaty of 1866. For

claimant was at the time and place above said owned by George Whitmire, a Cherokee citizen, left the country during the war and returned in the summer of 1866 to select and prepare a home for his family (they then being without one) and again the following year prosecuting the work as his circumstances and the condition of the country at that time prevented and leaving his family in the intervals of time when they would subsist without discomfort and exposure and until a removal of that was practicable which removal of claimants finally was accomplished to the point of the Nation settled by claimants for theirs and his home in the spring of 1867.

Claimants rights have been called in question by competent authority, and he therefore presents them to the important examination of this Commission as are authorized so to do by law.

This June 26, 1878.

Lewis Whitmire,
By W. P. Boudinot, Atty."

The Cherokee Nation offers the following from the same book and continuing on the same page, the application of Moses Whitmire as follows:

"Before the Honorable Commission sitting at Tahlequah to try rights to Cherokee Citizenship.

In case of Moses Whitmire

vs

Cherokee Nation,

claiming Cherokee citizenship.

Claimant claims under the fifth specification of the classes of claimants to citizenship as found in the law creating this Commission, to wit as a colored person formerly a slave owned by one George Whitmire, Cherokee citizen, resident of this Nation, at the beginning of the late war, and freed by law and made a citizen by provision of the treaty of 1866. Claimant respectfully refers to the statement by claimant Lewis Whitmire embracing the facts which the present claimant would submit to the Commission as the grounds of his claim.

Respectfully submitted,

Moses Whitmire.

June 26, 1878.

By W. P. Boudinot, Atty."

The Cherokee Nation offers in evidence from a book taken from the Executive Department of the Cherokee Nation entitled, "Register of evidence before court of Commission Chambers Court, Book A," page 239, case No. 60, as follows:

"Case 60.

Aaron Whitmire

vs

Cherokee Nation.

Tahlequah,

July 3, 1878.

Mike Fields a witness for claimant called and sworn.

I am I think I am about 47 years old. I live in Illinois District, S. W. Am a citizen of the Nation. I have been on the doubtful roll but had my rights proven up before the Supreme Court.

Am a citizen under the treaty of 1866. I went north to the state of Kansas in '62. I returned in August - 21st or 22nd, 1866. I left my family in Fort Scott when I came. I came down to get me a claim. I staid about three weeks that time, and then returned to Fort Scott. After I returned to Fort Scott there were others who started down, the Whitmires were of that number. The claimant was one of them. They came down in Decr. 1866. They returned to Fort Scott before I left there. I left Kansas about the 2nd week in January, 1867 and got to the crossing of the Neosho river about the last of January. When I first came down there was about 15 in the party. They left their families in Kansas when they came down here. There was some of party come with the Whitmires who piloted the Whitmire party and my party were Sam Webber, Mike Daniels, Sam Webber, Jr., Aaron Webber, Reubin Sanders, Tuck Sanders.

The Whitmire proper were Aaron, Lewis, Moss, Dennis and Nelson Whitmire and others that I do not recollect. The object of this party coming was for the purpose of erecting homes. When I moved with my family I stopped on Pryors Creek at Mrs. Alberty's and remained about two weeks. The reason we left that part of the country was because that part of the country was too sparsely settled and bare of subsistence. As I was coming down the first time we were overtaken by the Cherokee Delegation. They were some who come here were authorized by others to locate claims for them, one was by HeKey requesting Abe Fields to locate for him. The original request filed.

Cross Examined.

I can not remember the date I arrived here the first time from Kansas. The claim we made I got three sets of house logs, hauled them and piled them up, and some of the men put up houses, I did not put up a house. I started back to Kansas about the middle of September. When I first left the country it was in February, 1862. I was a slave before the war and was owned by Sam Taylor when the war broke out. He was living on Greenleaf near Bushy Mountain on this side of Arka. River. When the Whitmires returned to Fort Scott I do not know when they left there to come to this country as I left there there when I left. It was reported when they returned to the Nation that the Whitmire party had built houses. But I do not know this myself as I was not along. I only heard they had. The war closed in 1865 I think. I did not know it myself but people told me who could read.

I do not know myself that it was the month of Aug. When I come here first, but I was told it was that time.

Re Direct.

It was the December following the time I first came down that the Whitmires come down first to select and improve claims.

Nick x Fields.

his mk.

Aaron Whitmire)
 vs) August 1, 1878.
 Cherokee Nation.) Bluford Alberty, witness for claimant,
 called and sworn.

I reside in Cooveescoowee District, S. N. I am a native Cherokee citizen. I left the Nation during the war. I returned to the Nation on the west side of Grand River, Cooveescoowee District.

on the 3rd of September, 1866. I had occasion some time in the last of Oct., or the first of Nov, or probably it might have been as late as the middle of November, to go to the Viridaria. While out there I fell in with a party of seven or eight persons who were camped with others near Sam Wobber's. I did not go to the camp. They were colored people. I know not of them. Their names were old Sam Wobber, Aaron Whitire, and a younger brother and Lewis Whitire.

There was another person whom I was told was a Landrun. I do not recollect any of the others and can not identify them. The Whitires were Johnson and George Whitire, Aaron, Lewis and his mother belonged to George. In conversation with Sam Wobber he asked me if I knew anything about the treaty and if Jim McDaniel had got here. I told him I had not seen the treaty but had heard rumors about it. He told me they had come to pick themselves horses or make claims and that he was the leader of the company and the reason why Major Wright did not come was that he was an old man, but that he had sent his son down to work for him and make him a claim. He then asked what chances there was to get provisions over on the river; I told him there was none there, but that there was a lot of condemned flour at Gibbon and if they would go there they would get some. He also represented that they had come down to make claims for others, who had remained in Kansas, to build them homes and so fourth. They also stated that they were notified to come, and that they had accordingly come to make claims for themselves and the others that they left behind in Kansas. As near as I can recollect it was some time in October or November that I saw these parties. I was not very cold weather at the time. I recollect as I camped out at night. Did not see any of these parties after this time, May, 1867. There was no provisions to be had in this country at that time. Provisions were very scarce. It was my understanding that they had come to prepare horses for themselves and families. They told me so at least. Major Wright belonged to Cornelius Wright before the war.

Cross Examined.

I heard after this some of them went back to Kansas. At the time I met them I do not know whether their families were with them. I think I saw Dennis Whitire with this party, but am not certain of seeing Dennis or Nelson. I know there was four of the Whitire boys. They were owned in the Nation and resided here up to the breaking out of the war.

B. V. Alberty.

Aaron Whitire
vs
Cherokee Nation.

I know Melissa Ratliff. She was twelve or thirteen years old at the close of the war.

She was living with me then and still lives in my family. Jack Landrum was one of the band above referred to, also Patson Daniels. I learned from our leaders Uncle Mike and Sam Wobber that the Cherokee delegates advised us to settle in a compact body on unoccupied lands. We crossed the Necho in coming down at Helene's Ferry in 1866. The chief ferryman who crossed us was Bill Martin.

While on Lightning Creek in 1866 I saw Mr. Alberty but had no conversation with him, but Sam Wobber had in my presence.

Cross Examined.

I am a claimant before this court for citizenship. I am a half-brother of Aaron Whitmire, Louis, Dennis and Nelson are also my brothers. Mariah Whitmire is my sister. Major Wright is my stepfather. The names of the party that came with me to the Nation are as follows: Mike Sanders, Sam Webber, Peter Heigs, Bill Foreman, Tuck Sanders, Ransom Daniels, Sam Webber, Jr., Louis Whitmire, Nelson Whitmire, Dennis Whitmire, Aaron Whitmire, is all I can recollect now. Witness and my brother were authorized to make claims for others still back in Kansas. Dennis made a claim for Major Wright. I can't name any others. Witness was head of family in 1868 when we came on from Kansas. My family was at Fort Scott. Melissa Ratliff, Ed Wright, and my wife and myself composed my family, Louis had no family. Aaron and Nelson did. Major, Dan, Nelson and Allen were Aaron's children and his wife, Sarah. They were left, the wife and children in Fort Scott when we came in 1866. Elish Sanders, Thos. Sanders were Nelson's family and back at Fort Scott. We went back 1st January 1868 to Kansas after coming to the Nation. Then witness returned in 1867 to the Nation Aaron, Louis, Nelson, Dennis, Ransom Daniels, Tuck Sanders, Peter Heigs and the families of those who had families all come as I did besides others not particularly remembered. This was the first time any of our families had been to the Nation, at least mine, Aaron's and Nelson's.

The first time Mariah Whitmire was in the Nation after the war closed was after our parties returned in families in 1867.

The first time Major Wright returned was on our first trip in 1867. Melissa Ratliff was owned by one Alee Ratliff at breaking out of war. She first came in March 1867. Jack Landrum was along in 1866. He was a slave at the beginning of the war. I was present during the examination of Mr. Liberty as a witness in this case.

Re Direct.

Mariah's family at the close of the war was a separate family. Harry Whitmire, her son, represented his mother on the first trip in 1866. Witness is about 53 yrs. old. Major Wright was an old man at the close of the war. Louis Whitmire had been back to the Nation before 1866.

Attest

D. L. Nicholson,
Clerk.

Mariah Whitmire,
mark.

Case 63.

Aaron Whitmire & family)
vs) Claiming citizenship.
Cherokee Nation.)

Now comes claimant by Atty before the Commission sitting at Tahlequah to try certain claims for citizenship in the Cherokee Nation and makes this his statement of his grounds for said claim to wit-

Claimant is a colored person and claims as aforesaid under privilege of the fifth specification of the classes of claims preferred by law to the Commission to examine and decide rights by competent authority having been denied citizens.

Claimant belonged to Geo. Whitmire a Cherokee citizen at the commencement of the war of the rebellion and was then living in this

Nation. After the beginning of said war claimant moved to the vicinity of Fort Scott with his family at which location he resided until the summer of 1866 when he returned to this Nation and proceeded to select and improve a home on the Verdigris River for himself and family's permanent residence.

While he was thus making preparations for the removal of his family by providing for their habitation and subsistence at the place mentioned they his family remained where they had been sojourning during the war.

Claimant was compelled by unfavorable circumstances and the attention he was obliged to bestow upon his family to omit his work upon his improvement on Verdigris River from the early fall of 1866 to the early winter of the same year, when he resumed labor upon his improvement, after which he removed his family as soon as practicable to wit in the spring of the year of 1867.

Claimant claims to have returned to this Nation in his own person and as representative of his family within the time provided for by treaty, in that having no residence to come to as other former citizens he did everything possible to constitute a return consistent with the duty he owed to his family by laboring as far as his means allowed to provide a home in this Nation.

Respectfully submitted,
Aaron Whitacre,
By Atty Wm. P. Boudinot.

Aaron Whitacre
vs
Cherokee Nation.

August 1st, 1878.

Mr. Martin, witness for claimant, called and sworn.

I live on Big Creek, Coowescoones, Et. N. Am a citizen of the Nation. From August up to Christmas 1866 I was at the ferry on the Neesho River on the old military road leading from Fort Scott, Kansas to Fort Gibson, C. N. Am acquainted with claimant and his brother, Lewis, never knew Aaron until I met him at the river. Lewis I knew prior to that time. While I was in charge of the ferry I recollect having met claimant and Messrs. Lewis, Dennis and Nelson, Whitacre, Peter Hoigs, Mike Sanders, Sam Webber, and Klung Sam, Bill Foreman and others but I do not recollect anything about them. They were traveling. They stated they were coming from Fort Scott, Kans, they were traveling from the direction of Fort Scott. I crossed them from the Shawnee side of the River into the Cherokee Nation, they inquired the road to Big Creek. McLean gave them the directions to the head of Big Creek. They stated the reason why they were coming was that the Cherokee Delegation had invited them to come back under the treaty. They mentioned Jim McDonald as the principal one who had invited them and they were then on their way to select themselves homes.

It was after the Delegation returned that I met claimant and the others spoken of it was pretty cold weather when I crossed them. It was as near as I can recollect about the last of October, 1866. I am positive it was before Christmas as I left them at Christmas or probably a few days before Christmas.

Cross Examined.

I was not acquainted with the claimant nor any of the others named previous to the war.

I do not know who crossed before the war. I do not know whether they had lived in the Nation previous to the war. I do not recollect of seeing any of the families of the parties named at the time.

I crossed them over the river. I set some of this same party back over the river a short time after they had come in, Lewis, Wilson and Dennis Whitmire and little Sam Webber and I think they were there who crossed back but I can not place them now. I learned the names of the parties from conversation with them, but did not become particularly acquainted with their names at that time. I think there was one woman with the party, I think she was little Sam Webber though I would not be right positive that there was a woman along or not. I was positive there was no children as I never seen any. They had camped there long enough that were they any women and children I would have known it. The next time I saw claimant was in the fall of 1867 on Big Creek. I learned from them that they had got there in March 1867. I know this from having heard it generally talked amongst themselves.

Re Direct.

At the present time the distance between our two settlements is about 5 miles. I recognize the claimant and the other parties spoken of. I have been there frequently since that time, I set them over the river. When I saw them in the fall of 1867 they had their families with them. The means of subsistence at the time I crossed in the country at that time was short.

William Martin.

Aaron Whitmire)
 Vs)
 Cherokee Nation.)

July 4th 1873.

Wm. McCracken for Claimant.

Witness met claimant near Fort Gibson in Novr. or Decr. 1866. Met him at the ferryboat on Grand River.

Witness had a conversation with claimant at the ferry in which claimant said he was on his way to Going Snake his former home in the Nation and seven of claimant's brothers were behind on the road.

Witness is a citizen of this Nation and knew claimant before the war.

Attest:

Wm. McCracken.

D. L. Nicholson, Clerk.

Aaron Whitmire
 Vs
 Cherokee Nation.

Bluford Alberty.

George Whitmire before the war lived in Going Snake Dist. This Dist. borders on the line of the state of Arks.

Claimant now resides near the western line of the Cherokee Nation. The settlement before the war was sparse where claimant now resides. I would say the distance from where George Whitmire resided prior to the war, and claimant's present residence is 80 or 100 miles. Witness states that he had a conversation with Sam Webber in which Webber assigned as a reason for settling where he had was that Agent Jones advised the colored people after their freedom to settle in colonies or as thickly as it was convenient to do in an unoccupied part of the country.

This was thought best for the colored man as they could have their own schools & until matters were more regulated in the country.

The first conversation was in the fall of 1866. The second conversation was in the spring of 1867. I saw several of their families in May, 1867 on Big Creek or Lightning Creek in the Nation.

The home of claimant is in the same locality as that at the time mentioned above. In Oct. or Nov. 1866 I gave claimant and other colored men permission to occupy two old fields in that neighborhood for the purpose of raising crops the year following. Louis Whitire is the name of the other man, I also permitted to go on the old field. The Spring of 1867 I saw Aaron and Louis Whitire at work on the two fields spoken of. This settlement of colored folks has the character of quiet industrious and law abiding citizens as much as any in the Nation. Some of these people have large and good farms all made by themselves since the war.

Witness with a party of six gentlemen in the Fall of 1866 saw this colored party who settled on Big Creek afterwards in the neighborhood for the purpose as they said at the time of selecting their homes. Several claims was then in sight of witness which the colored party said they had selected and are now the homes of the party above indicated.

Agent Jones was at the time advising said Col party. A Delegation for the Cherokee Nation at Washington. There were parties as witness learned from one of them who wished to expel or drive off from their claims this colored party at the time they were prospecting the country. This was advised against by witness and it was not done or carried out. Witness party spoken of above was composed of Cherokee citizens except one colored man. I am the sole survivor of this party except the colored man and possibly one other. Occupation of witness is handling wild hattle. I travelled a good deal in that neighborhood at the time spoken of.

"Continued on Page 223."

Aaron Whitire et al } July 16, 1878.

Cherokee Nation. } John Riley,
 Coconawocooe Dist. I lived seven years in 1852 and have continued to reside there except in 1854. I came back in the month of August 1866 to the Nation. I saw Aaron Whitire. He returned or came to the Verdigris River to live in the month of March 1867. Also came at the same time Ben McGe, Mike Sanders, Sam Webber, Billy Foxman, with their families and others whom I don't recollect. Claimant made a crop that spring in 1867 on an old place of Aaron Whitire. He had settled no other place before that.

Cross Examined.

I don't know of any colored heads of families coming in to the Nation in the month of Decr. 1866 to locate homes but I know of none who came in Sept. 1866 for that purpose. I know where Aaron Whitire lived at this time. I was near Coody's Bluff in Decr. 1866. I live on the west side of the river. Claimant lives and settled on the east side of the river. If any heads of families came in Decr. 1866 I never heard of them. I never knew of Clifford Alberty being in the part of the country in 1866 is the party who came down in Sept. 1866. Aaron Whitire was not along with Mike Sanders, Sam Webber, Colbert & perhaps Billy Foxman. Alberty was not along. Dennis was not along as I know of nor Harlan nor Major Wright nor Aaron Whitire that I know of. If any such party had come down in Decr. 1866, I think certainly I should have known it.

Joseph Riley.
 Harpole Riley. (Page 223)

About the middle of 1867 I first saw this party with their families at their new homes. Plaintiff and others of this colored party told witness that they returned in March 1867 to the Nation.
Se Direct

I learned from John Baker that most of this colored party returned to Kansas after their families and a few remained. I was at General Convention of the Colored People in 1866. It was witness' understanding that the purpose of said convention was to ratify the treaty of 1866. I think the object of the convention was to ratify amendments to the Constitution under the treaty and to ratify the treaty. The treaty was concluded the 9th of Aug. 1866 is my information. It might have been July 19, 1866.

Witness went south during the war. J. B. Jones was not at the time herein mentioned U. S. Agent but was a Delegate and was Agent afterwards.

B. V. Alberty.

Attest
D. L. Nicholson,
Clerk.

Amos Whitire
vs
Cherokee Nation.)
Tahlequah May 10, 1878.

This day comes John F. Lyons Atty for Cherokee Nation and denies all and singular the allegations of plaintiff contained in the above named case.

John F. Lyons,
Atty for C. N."

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of June, 1882.

(SEAL)

(Signed) P. G. Reuter.

Notary Public.

I, Esther G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and complete copy of the original now on file with the Commission, as the same was copied by me.

Esther G. Evans

Subscribed and sworn to before me this 15th day of Aug., 1882.

Prince Jones
Notary Public.

To be filed with C. F. D. 804.

Department of the Interior,
Commission to the Five Civilized Tribes,
Mustoge, I. T., May 22, 1902.

In the matter of the application of Charles C. Smith et al for
enrollment as Cherokee Freedmen.

TESTIMONY IN BEHALF OF APPLICANTS.

SUPPLEMENTAL TO D-514.

APPEARANCES:

LEWIS T. BROWN, representing Hallett & Smith, for applicants.
W. W. HASTINGS, for Cherokee Nation.

SAR WEBBER, being first duly sworn, testified as follows:

- MR. BROWN: State your name? A Sar Webber.
- Q What's your age? A About 50 now or thereabouts.
- Q Your postoffice address? A Nowata.
- Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
- Q Do you know Charles C. Smith, the applicant? A Yes, sir.
- Q Do you know his wife? A Yes, sir.
- Q Do you know her mother? A Yes, sir.
- Q What was her mother's name? A Her name was, we called her Aunt
Tilda Dannenberg.
- Q Do you know what her name was before she went by the name of
Dannenberg? A That's the name I knowed her by.
- Q Do you know what her second name was? A She went by the name of
Tilda Lacey before she died.
- Q Do you know when she returned to the Cherokee Nation after the
close of the war? A I don't know just what month she returned, I
know when I seen her.
- Q Please state when it was? A Why I saw her along just about
Christmas in '66.
- Q Now Mr. Webber go ahead and state the circumstances of your
seeing this woman at that time, and what, if anything, you doist
A Why I went down to Lightning Creek, and I live about did live
about ten or fifteen miles from Lightning, and I went down there to
see this Harry Still, and I heard she was there when she was there,
she had got a little claim, this claim that Harry Still bought from
them afterwards, and she was there, her and her children.
- Q Who else was there? A Why, see Harry Still and Hariah Payden,
and we used to call Aunt Hariah's daughter Puss then was all the
name I knowed her by.
- Q What's her name now? A I declare I never could give any name
only Puss.
- Q That's her husband's name? A Tuckner.
- Q George Tuckner? A Yes, sir.
- Q Anyone else there? A Why this Andy Pider was there, and this
Smith's wife.
- Q Charley Smith's wife? A Yes, sir, and her sister, and a little

boy we called Jim.

Q Do you know John Rose? A Yes, sir.

Q Do you know his wife? A Yes, sir.

Q Was she there? A Yes, sir, she was a girl then.

MR. HASTINGS: If Mariah Hayden testified before the Chambers Court in her application or set forth in her application before the Chambers Court that she never came here till '67 when she made application in '78, she was mistaken then was she?

MR. BROWN: Wait a minute; it is objected to for the reason that it is assuming a fact not proven.

COMMISSION: Objection will be noted; answer the question, Mr. Feber.

Witness: She must have been mistaken if she testified that.

MR. HASTINGS: When were you married? A I was married along after Christmas.

Q What year? A '67.

Q How long after Christmas? A Why it wasn't long after, not very long after.

Q What women came down with you in the fall of '66? In the fall of '66?

Q Yes, sir. Was there any women? A Yes, sir, let me see now, if I could tell you; there was a girl they called Gelia Fox.

Q Anybody else? A And Dick Thurman's daughter, they called her Hannah.

Q Who else? A And then there was the Sanderses women, and the Meigses women.

Q Well was Rube Sanders down here before? A Yes, sir, he was too, I know he was.

Q Well then you come as he come did you? A Yes, sir, and he come as I come.

Q All come along together? A All come along together.

Q And that was in the fall of '66? A Yes, sir, we come in the summer, and went back, and then come again, and come again in the fall.

Q You went back and come back in March of '67? A I went up there and married.

Q Well I will ask you if it is not a fact that not a single woman nor a single child come here and located north of the Frisco Road and east of the H. K. & T. in the winter of '66; did you have a house up there? A Yes, sir.

Q Were you living in your house? A I built a house in the summer when I come down here.

Q Was Aaron Wright living up there? A No, he wasn't living there; he come, well he come down and lived there after we moved there.

Q Well but was he living there on Lightning Creek near Mariah's mine when you went over there and when you saw this woman? A Oh, when I saw that woman he was living there.

Q He was living there was he? A He moved there in the spring; he lived on the place where Jim Martin lives now, just right in the neighborhood, and made a drop on the old farm there without any fence.

Q What spring was that? A In the fall of '67 he moved down to Lightning Creek.

Q But when did he move to the Cherokee Nation with his family? A Aaron Wright?

Q Yes, sir. A Why he come in the winter.

Q Well of what year? A Along in '67 when Aaron Wright come.

Q Well what time in '67? A In the winter.
Q Well was it in the early winter or was it in December? Was it January of '67 or was in December of '67? A I went back up there and married and then he come down here just after that and been there ever since.

Q Well when did Lewis Whitmire come? A Come with us.

Q Come along as you come did not? A Yes, sir.

Q Then you come as Lewis come? A Yes, sir.

Q Did you come as those Whitmire come? A Yes, sir, he was one of our crowd.

Q And Reuben Sanders come at the same time? A Yes, sir, he was one of our crowd.

Q Whenever they come you come? A Yes, sir.

Q I mean when they moved their families, is that the time your families came; that is your father's family? A Yes, sir, that's what I am talking about.

Q And it was after this then that you saw this woman that you spoke of, this Danenberg or Matilda Danenberg, it was after that, was it?

A That was before that, before I married, you know.

Q It was before you married? A Yes, sir.

Q That you saw her? A Yes, sir.

Q But it was after you had come down here? A Of course.

Q Well it was after these women had come down here? A Yes, sir, and it was after Lewis Whitmire had come down with his family? A Yes, sir, Lewis had no family then.

Q Well it was after those had come with his family? A Yes, sir.

Q It was after your folks had come? A Father had no family either boys.

Q Well it was after you had all come? A Yes, sir.

Q Mariah Hayden was down here at that time? A Yes, sir, she was down there.

Q They were all down there, were they? A Yes, sir.

Q Do you belong to the Freedmen's Protective Association? A Yes, sir.

Q Are you one of the committee that's been around here for two or three months representing the Freedmen? A I stays here all the time.

Q I will ask you if you ain't a member of the committee down here representing them and looking after their interests? A I am here looking after all that I witness for.

MR. BROWN: Unlawful, you are on the roll of 1880? A Yes, sir.

Q Lewis Whitmire, Moses Whitmire, Aaron Whitmire, Reuben Sanders, are on the roll of 1880? A Yes, sir.

MR. HASTINGS: The Cherokee Nation asks that the testimony introduced by the Cherokee Nation in the case of Ed Wright, the same being Freedmen Bouffal 812, as to the time of the return of the Whitmires, also the testimony of Aaron Webber, together with the testimony introduced by the Cherokee Nation in the case of Aaron Webber, being F. B. 218, be introduced and made a part of the record in this case. The Cherokee Nation also asks that the testimony of Reuben Sanders, as well as all of the testimony introduced by the Cherokee Nation in the case of Elizabeth Reige, the same being

-4-

Freedman Doubtful 391, be introduced and made a part of the record in this case.

COMMISSION: The above testimony and proceedings will be filed in the following Freedman cases: D-514, the same being the case at bar, that of Charles C. Smith; D-472, John J. Ross, D-511, Emily Nolan, D-515, Pearl Smith, D-516, Matilda Smith, D-882, Elzora Smith, D-883, Cora Morris; also in Cherokee Freedman cases D-517, D-518, D-520, D-521 and D-204.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes heretofore reported in full the testimony and proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 3rd day of July, 1903.

(Seal)

(Signed) P. C. Reuter,

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission, as the same was made by me.

Arthur G. Evans

Subscribed and sworn to before me this 26th day of July, 1903.

Bruce C. Jones
Notary Public.

Subl. C. D. #818. Freedman.

Department of the Interior,
Commissioner of the General Land Office,
Washington, D. C.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
EDWARD BRIGHT as a Cherokee Freedman, introduced as part of the
Cherokee Nation.

The Cherokee Nation by its representative makes satisfactory
proof of service on E. J. Lawson, the attorney for the
applicant in this case, that testimony would be introduced
by the

representatives of the Cherokee Nation tending to disapprove the right of said applicant, Edward Wright to citizenship in the Cherokee Nation at the offices of the Commission in Muskogee, Indian Territory, on the 3rd day of March, 1902, and from day to day thereafter until the same could be heard by the Commission during the usual business hours.

Cherokee Nation present by its representative, L. B. Bell.

C. V. Rogers, being duly sworn, testified as follows on part of the Cherokee Nation.

MR. BELL:

- Q Tell him your name? A C. V. Rogers.
Q Age? A 63 years old.
Q Place of residence? A Clarkston.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q How long have you been such? A All my life, a little over 63 years.
Q Did you go out of the country during the war? A Yes, sir.
Q When did you return? A '68.
Q Where did you come to? A Come to Fort Gibson.
Q And stayed there did you? A Yes, sir.
Q Well what was your business? A After I come back?
Q Yes? A I followed freighting for something over three years.
Q Where and between what places? A Sedalia and Pleasant Hill and Kansas City to Fort Gibson.
Q Were you ever acquainted with a freedman by the name of Moses Whitire? A Yes, I know him.
Q Where did he belong before the war? A He belonged in Going Snake District.
Q Do you know what particular Whitire he belonged?
A I can't remember whether he belonged to George Whitire or Lee Whitire.
Q If you did see him when did you first see Moses Whitire after the war, after your return to the Cherokee Nation?
A As well as I can remember it was in February, '68. I met him just on this side of the Neosho River, as they were moving back to this country from Kansas. There was between 25, from 24 to 23 wagons and I met them right on this side of the Neosho River; Dick Whitire, Moses Whitire and Aaron Whitire and old Major Wright is all I know in the outfit.
Q Did you have any conversation with them, stop and talk with them?
A Yes, sir, and Col. Bill Ross passed while I was talking to them going to Fort Scott.
Q Did you ask them where they was going to? A They said they was moving back.
Q Well this 25 or more wagons was loaded with people?
A Yes, mostly every one had household goods in them.
Q Colony of Cherokee Freedmen? A Yes, sir, coming back to the Cherokee Nation.
Q Well now that was; where you say it was? A It was right on this side of the Neosho River; between the old Hudson place and Neosho River.
Q How far from the Neosho River? A I suppose half a mile.

Q How far from the north line of the Cherokee Nation?

A I think the river is the line, about half a mile.

Q And how far is that from the Kansas line? A The Neosho is the line, way I understand it.

Q You had reference to where the military road crosses the Neosho river? A Yes, sir.

Q At Jack Molain's Ferry? A They called it Hudson ferry at that time.

Q Hudson lived there? A Yes, sir, in about a half mile.

Q And this Moses Whitmire you met and talked with is the same one you knew in Going Snake and belonged to the Whitmire family there?

A Yes, sir.

Q About how old a man was he when you met him? A He is an older man I think than I am.

Q And you saw other with him you knew? A I think Aaron Whitmire and Moses Whitmire and old Major Wright is the old ones I knew.

Q And you talked with him there? A Oh, I guess I talked with him ten or 15, 20 minutes and while I was talking to him Col. Ross passed going to Fort Scott.

Q Do you know where this man Whitmire lives now, Moses Whitmire you met?

A No, I don't know where he lives.

MR. HASTINGS, Cherokee Representative:

Q Don't you know he lives on Salt Creek near Hayden? A No, I don't know for certain I heard he lived on Big Creek. I don't know thought where he lives, I have saw him ever since I have been here. I don't think I ever was at his house.

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I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had in this case on the 20th day of 1895, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Rossen,

Stenographer.

Freed. D-514.

File with Cherokee Freedman D- 804, William Rose.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. May 31, 1902.

In the matter of the application of Jane C. Smith for the enrollment of herself and children as Cherokee freedman.

Applicants appear by Mellette & Smith; Cherokee Nation by J. S. Davenport. Testimony in behalf of applicant.

Frank Ross, being sworn and examined, testified as follows:

By Mr. Smith: State your name? A Frank Ross.

Q How old are you? A 54.

Q Where do you live? A On Lightning Creek, Cherokee Nation.

Q You know Charles C. Smith? A Yes sir, I know him.

Q Do you know his wife? A Yes, sir.

Q What is her name? A Jane.

Q Where do they live, Mr. Ross? A They live up on Hickory Creek, the last time I was up there.

Q In the Cherokee Nation? A Yes sir.

Q How long have they been living there? A They have been living there a good long while.

Q A Good many years? A Yes, over 21 years.

Q Who was Malinda Dannenberg? A His girls' mother.

Q The mother of Jane? A Yes sir.

Q When did you first see Malinda Dannenberg after the war? A In the winter of '66 on Lightning Creek.

Q Was it before Christmas? A Yes sir.

Q Was it in December or November of '66, or do you know? A In December of '66, along about the first of it.

Q Who did she have with her? A She had three children with her, a boy and two girls.

Q Who were they, name them? A Jane, Jim, I forget the other ones name right now.

Q Was that the wife of this man Charles Smith? A Jane was the wife of Charles Smith. The other one is named Emma.

Q Who did she marry? A She married a man by the name of Rose.

Q What Rose? A John J. Rose.

Q What is her present name, what name does she go by now? A She married another man, I don't know his name.

Q Would you know it if you were to hear it? A Yes sir.

Q Was it Nolan? A Yes sir.

Q Her name is Emily Nolan? A Yes sir.

Q Where did you see them? A On Lightning Creek.

Q What were they doing there? A They were camped there.

Q Do you know how long they continued to stay there? A They were there when I left.

Q How long did you stay there? A I stayed there about four or five days.

Q Did you see them any more after that? A I saw them after that about four or five years after that.

Q Not until four or five years after that? A Yes sir.

Q Where did you live at that time? A I lived on Brice's Creek part of the time.

Q I mean at that time where were you living at the time you saw these people? A I was living on Brice's creek.

Q That is how far from Lightning Creek? A About 25 or 30 miles.

J. S. Davenport: You are a freedman citizen of the Cherokee Nation?

A Yes sir.

Q You have been a witness in several of these claimant cases, freedmen cases, haven't you? A Yes sir.

2-Jane C. Smith et al.

- Q Well now, how old were you when the war closed? A I was about twenty, I guess.
- Q Where were you living at the close of the war? A I was in the army at the close of the war. I was mustered out in '65.
- Q Where were you mustered out? A At Leavenworth, Kansas.
- Q What regiment did you belong to? A 79th, Company H.
- Q Had you known this Matilda Dannenberg before the war? A No sir.
- Q You first met her on Lightning Creek? A Yes sir.
- Q Who was living with her? A They were in a camp there.
- Q I asked you who was living with her when you saw her? A Her children, three children.
- Q Any men folks? A Harry Still.
- Q Did they have a home there of any kind? A They did not have no home at that time, they just come down from Kansas then.
- Q Do you know how long they stayed there? A Some of them is there yet.
- Q Which some of them is there yet? A Mrs. Hayden and Harry Still is there.
- Q Which of the people have continually resided there from '66 until the present time? A Jane and Jim and all of them.
- Q Have they resided in the Cherokee Nation ever since '66, are you able to say they have? A Every time I saw them they were there, they never were out.
- Q Don't you know they have lived out? A No, I don't know.
- Q Don't you know John Rowe and Emily were married in the State of Kansas? A No sir.
- Q Did you know her before? A Yes sir.
- Q Before they were married? A Yes sir.
- Q How many years did you see her before she and John were married? A Ten or fifteen years.
- Q Before Emily Dannenberg and John Rose were married? A Yes.
- Q You are sure? A Ten or fifteen years.
- Q Did you ever see Emily before the war? A I told you I didn't know them before the war.
- Q You think it was at least ten years after the war before she and John were married? A I guess so.
- Q Do you know anything about it? A Yes, sir.
- Q If you know anything about their marriage you knew they were married in '67? A I didn't see them when they got married.
- Q The record of the Court shows they were married in '67? A I wasn't there when they were married.
- Q It could not have been ten years from the time you saw her when she and John were married, could it? You don't remember a thing about that until you were called on at the tale end of this business? A Yes sir.
- Q Why, don't you know they were married in '67? A Because I wasn't there.
- Q Were you living on Lightning Creek when they were living there?
Mr. Smith: I object to that.
Commission: Answer his question.
- A All the folks that were living there knowed I was living there.
- Q They had a name, who were they? A Mose Wright, Nelson Murrell.
- Q Was Nelson Murrell living on Lightning Creek in '66? A Nelson Wright and Lewis Whitmire were living there.
- Q They do not claim to have lived on Lightning Creek until after '66; they were living on Big Creek then? A They had built their houses there in '66.
- Q They claimed to have built a house there in 1866, does their testimony show that? A I never seen their testimony.
- Q Don't you know they claim they come down here in the fall of '66 and stopped on the Verdigris and made a crop and then came over on Big Creek and then in '67 came to Lightning Creek? A I don't know, it was '66 when I seen them up there.
- Q Where was Charles Smith and his wife married? A I don't know

S-Jane C. Smith et al.

- Q Where were they living when they married? A I don't know.
- Q Did you ever know them before they were married? A Yes sir, I knew the girl.
- Q What was the girl's name? A Jane.
- Q Where did you know her? A I knew her on Lightning Creek and on the bend, in there.
- Q What bend? A Gooseneck Bend.
- Q It is some distance from Gooseneck Bend to Lightning Creek? A About fifteen miles.
- Q How big a girl was she when you knew her? A She was a big girl about 17 or 18 years old.
- Q Was she living in a house up there? A She was living in a tent when I seen her.
- Q How often did you see her? A I saw her lots of time. I never saw her but once in '66.
- Q How long after that until you saw her again? A About four or five years.
- Q They weren't living in a house when you saw them first? A They were living in a house then.
- Q You never seen her until after '66? A I hadn't seen her until I saw her after that.
- Q When did you see her when she was living in a house? A It was along about '73 or '4.
- Q When did you see her mother, Matilda; was her mother living in the Cherokee Nation, living in a house? A I saw her living in a house along in '70.
- Q When did you see Emily Nolan living in a house in the Cherokee Nation? A I saw them living with their mother.
- Q How did it happen that you were going through that country in '66 and remember seeing these people in a tent? A I was hunting a place.
- Q In '66? A Yes, and am living there yet.
- Q You were living on Pryor Creek? A Yes sir.
- Q And you changed your locality and went up there, there wasn't hardly anyone living on Pryor Creek? A There wasn't many.
- Q Whose place did you pass when you went to Lightning Creek from Pryor Creek? A There wasn't any one living there. The country was all wild up there then.
- Q And you just happened to go out in that unsettled country away from where you lived to locate your place? A Yes sir.
- Q There was plenty of vacant land along Pryor Creek was there not? A Yes.
- Q There was plenty along Verdigris? A I didn't want to go on the Verdigris.
- Q There was plenty of vacant land there? A Yes.
- Q And plenty of it along Big Creek? A Yes, I didn't get on Big Creek.
- Q What part of Lightning Creek did you see these people pass? A Rachel Glass' place.
- Q Is that the place Harry Still afterwards bought? A No sir, he didn't buy that place.
- Q Then you have no recollection of seeing these people living in the Cherokee Nation or camping out in the Cherokee Nation until along in the '70's? A Somewhere along there.
- Q You don't know what they did in '66 when you saw them there, whether they stayed there or whether they went away? A No sir.
- Q What makes you remember it was '66? A It was after I was mustered out of the service in '65 and I came back home after that.
- Q It was the year after you were mustered out? A Yes sir.
- Q What year did you locate your farm up on Lightning Creek? A '73.
- Q Well, it took you quite a long while, about five years to locate your claim up on Lightning Creek? A Yes, but I wasn't on Brice Creek.
- Q You didn't get your place located on Lightning Creek until '71? A I went up there and took my claim.

4-Jane C. Smith et al.

- Q You didn't locate your claim then in '71? A I didn't make no house on it in '66. I didn't do anything on it then, I went over it, I wanted to see what it looked like.
- Q It looked like a wilderness? A Yes.
- Q And you left it five years before you went back? A Yes sir, there wasn't anybody but a few old settlers, the Whitmires were there.
- Q Name a Cherokee or white man that lived there? A There wasn't any lived there then. There is not many now.
- Q Did the Whitmires have their women folks there when you were there in '66? A Aunt Mariah Hayden was there.
- Q What month was this in '66? A Along before Christmas.
- Q You said a while ago it was in December? A Yes, December is before Christmas; Christmas is in December.
- Q What makes you remember it was before Christmas? A Because it was getting cold, it was getting winter.
- Q Why doesn't it get cold right after Christmas? A Yes, sometimes it gets cold before Christmas.
- Q You want to get it before Christmas so as to be sure to get it within the treaty that they were there? A No, that was the time we was there.
- Q Did you have a conversation with them as to their having been freedmen? A Yes, I knowed them before the war and I talked with them.
- Q You stayed all night with them? A I stayed all night with Nelson Whitaire.
- Q Is he living or dead? A He is dead, his wife is living.
- Q Well, you don't know where Charley Smith and his wife have been living since that time? A Living on California Creek.
- Q All the time since '66? A Every time I have seen them.
- Q Have they always resided in the Cherokee Nation since '66? A I couldn't say that, they might have gone out somewhere; every time I saw them they were here.
- Q When did you first get acquainted with Charles Smith? A It has been a long time.
- Q Was it in '66? A I didn't know him until after he married this woman.
- Q Was he a freedman too? A I don't know.
- Q Don't you remember him as well as meeting his wife? A Yes sir.
- Q Well what year did you meet Charley Smith? A I don't remember.
- Q Why can't you remember him you remember his wife? A Because I remember it being directly after the war.
- Q You remember because he married a girl out in the prairie, out in a camp? A I didn't say anything about in the prairie. I said it was on the forks of the Creek.
- Q You remember his wife because you had met her out there? A Yes.
- Q Why can't you remember the year he and his wife married? A Because I wasn't there, I don't know when they married.
- Q You weren't there when they came in on that Creek were you? A Yes sir.
- Q You said they were there on the Creek when you got there? A The family was there. I didn't say Charley was there.
- Q You weren't there when they left either were you? A I wasn't there then.
- Q You don't know anything about it except the little point of '66? A Oh, yes.
- Q In later years you have seen them but you didn't see them from '66 until up in '71, you never saw one of his family living up in the Cherokee Nation on Lightning Creek? A I never said I saw them on Lightning Creek in '70. I seen them up on the xxxt bend pretty near every year.
- Q What year did you see them most from '66 and up to '71 at celebrations? A I saw them in '70 all along.
- Q Then there was a period of five or six years you didn't know where they were? A Yes.
- Q Was she married wher you saw them there in 1871? A I don't know, she may have been.

- Q When did you first see Charley and found out that he claimed to have married this girl? A It was a good while after that.
- Q Was it as late as '80? A Before that, it was along in '77 or '78.
- Q When did you first see this Emily and know that John Rowe and she were married? A About the same time.
- Q About '77 or '8? A Somewhere along there.
- Q Did you ever know of these parties living at Lawrence, Kansas, and Topeka, Kansas? A I never was there; I come through there.
- Q Did you ever know of this family living there? A No sir.
- Q Did you know John Rowe before he and Emily were married? A Me and him soldiered together.
- Q You were both mustered out in Kansas? A Yes.
- Q Did you ever see John Rowe from the time that you learned that he and Emily had married? A No, when I seen him he said he was married.
- Q Did you separate from Rowe in the Cherokee Nation or in the state after you and he were mustered out? A We separated at Leavenworth.
- Q How far is Leavenworth from Lawrence? A I don't know how far it is. It ain't very far.
- Q You made the trip didn't you? A But I didn't know how far.
- Q You have no idea what the distance is? A No sir.
- Q When you were mustered out and came down to the Cherokee Nation, do you know whether John had ever met Emily at that time? A I don't know, I left him at Leavenworth.
- Q After you met him in the Indian Territory did you have any conversation as to where they had been living before they came to the Cherokee Nation? A No sir, never had no such conversation. They told me they lived on California Creek when I first saw them.
- Q Where did they say they were living from the time you and John separated at Leavenworth, Kansas, up until the time you learned he and Emily had married? A He never told me where he was living.
- Q Do you mean that we should understand that you had soldiered with a man and been mustered out with him and then separated from him and hadn't seen him for 9 years or about that time and then when you met again you didn't ask as to where he had been during the interval? A No, he never told me and I never asked him.
- Q You and John Rowe weren't very intimate soldiers? A We were always good friends.
- Q Did Rowe ask you where you had been living? A Not that I know of.
- Q You then didn't discuss the subject of residence between you? A Not that I recollect; I don't think he asked me.
- Q What month of the year were you mustered out? A In October.
- Q Of what year? A Of '65.
- Q What year was the Wallace roll made? A Along in '60, some time in '86 I believe.
- Q Why can't you remember the exact year the Wallace Roll was made, you remember '66? A Because I remember '66 is because I was mustered out in '65.
- Q You drew money from the Wallace roll, why can't you remember that just as well as the year '66? A I don't know.
- Q What year was the Kern Clifton roll made? A Along about '89 some there.
- Q How far do you live from Charley Smith now? A He lives up on Hickory Creek.
- Q About how far is it? A About 26 miles.
- Q Has he ever lived any closer to you since he came to the Cherokee Nation than that? A No sir.
- Q How far did you live from John Rowe? A He lives near Lenapah, about the same distance.
- Q Did he ever live any closer to you than that? A No sir.
- Q Then you haven't been seeing them very often since they came? A I seen them sometimes every year and sometimes twice a year when we have meetings up on the bend.

Q You were at Chelsea and Nowata and nearly all the places where the Commission was the past year? A Sometimes a day and a half a day.

Q You were there when Charles Smith made his application? A I don't think I was. I saw him there at Chelsea.

Q Did he call you as a witness? A He called me, but he didn't use me.

Q How did that happen? A I don't know.

Q It happened because you didn't know anything that would benefit him? A Just as much as I know now.

Q You didn't tell him then what you know now and what you are telling here to-day? A Yes, I did.

Q How did it happen that he didn't use you then? A I don't know.

Q You waited until the last day before you came? A I didn't know this was the last day.

Q You don't mean to say that you didn't know this was the last day fixed by the Commission? A Is this the last day?

Q Do you mean to say you didn't know? A I heard it was the last day, but I don't know it.

Q And you waited until that day to come and testify? A I have been here ever since Wednesday and have been waiting on you fellows.

Q We have been ready to take it any time? A I don't know.

Q Have you been denied since you came here that we would not take your testimony? A I don't know.

Q Have you asked that you might give your testimony that you might go home? A I was waiting until they called it up.

Q You know when you came here Wednesday that you weren't expected to testify until today? A No sir, I didn't.

Q And you didn't want to testify until today and not until this afternoon? A I was willing to testify the first day I come here so I could have been home.

Q Who did you ask? A I didn't ask nobody.

Q Been around the Commission room continuously ever since you came?

A Not ever since I been here, I have been sick half the time down at the hotel.

Q Who was Chief when you were up there in '66 and saw these people camping? A Bill Ross was acting as chief then.

Q You weren't up there hunting horses like L. D. Daniels, were you?

A Lewis Daniels was elected chief after that.

(REDIRECT)

Q How is the health of the people generally in that country? A My health has not been very good.

Q Do you know whether this paper was handed in Thursday that you be called to testify in this case, or not? A No sir, I donot know.

The applicant offered in evidence a certified copy of marriage record taken from the marriage records of Coowescoowee District, Cherokee Nation, certified to, by B. W. Albery, Assistant Executive Secretary of the Cherokee Nation.

J. S. Davenport: The representative of the Cherokee Nation objects to the introduction of the paper offered in evidence because it does not purport to be a certified copy of any regular marriage record kept, does not purport to be a copy of the license recorded or the certificate of the Minister or other officer solemnizing the same. The representative of the Cherokee Nation further objects to the document offered because that it is immaterial and incompetent and not a record which can be proven by a certified copy, it not being a record entered by official of the nation while in his official capacity, or which purports to be an official act, but is simply a record stating what the recollection of a man who was at some time clerk, remembers about a certain marriage, and because of the further fact that the Clerk has no power whatever and never did under the Cherokee law, by his unlawful acts, have the right to admit to

citizenship anyone by violating the law and issuing to them a marriage license.

Commission: The document will be filed and considered for what it may be worth.

7-Jane C. Smith et al.

This testimony will also be filed in the following freedmen cases:

D-882, Elnora Smith;	D-883, Cora Morris;
D-515, Pearl Smith;	D-516, Matilda Smith;
D-511, Emily Nolen et al;	D-474, John J. Rose et al;
D-517, Mary Blackburn et al;	D-518, Charles Rose;
D-520, James Colbert;	D-521, Geneva Lynch et al;
D-804, William Rose;	

as well as in the case at bar, the same being that of Jane Smith for the enrollment of herself and children, D-514.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. G. Rothenberger.

Subscribed and sworn to before me this 16th day of June, 1902.

P. G. Reuter,
Notary Public.

REAL.

I, Roy Palmer, being first duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing copy, and that the same is a true and complete copy of the original.

Roy Palmer

Subscribed and sworn to before me this 20th day of August, 1902.

B. P. Jones
Notary Public.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Waskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment
as a Cherokee Freedman.

Applicant appears by Mellette & Smith; Cherokee Nation, by
W. W. Hastings.

By Mr. Smith:

The applicant moves the Commission to make the certified
copy of the decree of the Court of Claims in the case of
Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation,
No. 17200, filed in the Mariah Hayden case P. D. 498, a part of the
record in this case and the cases hereinafter mentioned by refer-
ence to the said case of the said Mariah Hayden, and if it be deemed
necessary that a copy of the said decree be filed in this case and
in the following cases, to-wit:

Vs. Rose, D 804;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the intro-
duction of the decree because, First: It does not tend to show
that the applicant was a slave of the Cherokee Nation at the
beginning of the war, nor that he returned within the time specified
in the treaty of 1866, or that he had been a continuous resident
of the Cherokee Nation since that time, or that he is a descendant
of such a person, second: Because the same is incompetent, irrele-
vant and immaterial, and does not tend to prove an issue in this
case. Third: Because the Commission will take judicial knowledge
of all laws, treaties and decrees necessary for the determination
of the right of any person who makes application for citizenship.
Fourth: The Cherokee Nation objects to the filing of a certified
copy of this decree in the case of an applicant unless the same is
called and filed in each individual case.

Competition:

The motion of the attorney for the applicant will be
entertained and the issues of the Court of Claims filed in the case
of Mariah Hayden will be made a part of the record by reference in
all the cases above named with the exception of those which come
within the provisions of the temporary injunction recently granted
by Judge Gill of the United States Court, of the Northern District,
Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named
cases including the Mariah Hayden case that counsel for the appli-
cant be allowed to file any of the proof of any
or all of the facts other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings had in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. G. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. G. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Robert Rose et al. for enrollment as Cherokee Freedmen, consolidating the applications of

Robert Rose et al.....	Cherokee Freedmen	D 474,
Jane Smith et al.....	"	D 514,
Emily Helen et al.....	"	D 511,
Pearl Smith.....	"	D 516,
Matilda Smith.....	"	D 516,
Mary Blackburn et al.....	"	D 517,
Charles Rose.....	"	D 518,
James Colbert et al.....	"	D 520,
Geneva Lynch et al.....	"	D 521,
William Rose.....	"	D 504,
Daisy Rose.....	"	B 132,
Elnora Smith.....	"	D 582,
Cora Morris et al.....	"	D 583.

D E C I S I O N

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by John J. Rose, for his minor children, Robert and James Rose; said application also included the said John J. Rose, who claims right to enrollment as a Cherokee Freedman by intermarriage, but the status of persons claiming right to enrollment as Cherokee Freedmen by intermarriage not being fixed at this time, the said John J. Rose is not embraced in this decision; by Charles C. Smith, for his wife, Jane, and minor children, Chester, Frank, Bertha, Catherine, Curtis and Melvina Smith; said application also included the said Charles C. Smith, who claims right to enrollment as a Cherokee Freedman by intermarriage, but the status of persons claiming right to enrollment as Cherokee Freedmen by intermarriage not being fixed at this time, the said Charles C. Smith is not embraced in this decision; by Emily Helen, for herself and minor child, Jessie Rose; by Pearl Smith, for herself; by Matilda Smith, for herself; by Mary Blackburn, for herself and minor child, Jeff Dickson; by Charles Rose, for himself; by James Colbert, for himself and minor children, Myrtle, Mable, Minnie, Walter J., Ernestina and Pearl L. Colbert; said application also included Susie Colbert, wife of the said James Colbert, who claims right to enrollment as a Cherokee Freedman by intermarriage, but the status of persons claiming right to enrollment as Cherokee Freedmen by intermarriage not being fixed at this time, the said Susie Colbert is not embraced in this decision; by Geneva Lynch, for herself and minor children, John Looney and Prue Lynch; by William Rose, for himself; by William Rose, for his minor child, Daisy Rose; by Elnora Smith, for herself; and by Cora Morris, for herself and minor

children, Clarence, David, Charles and Helen Morris. Copies of the testimony taken in the cases of Edward Wright, Cherokee Freedmen D 218; Aaron Webber, Cherokee Freedmen D 216; Joe Ross, Cherokee Freedmen D 242 and Elizabeth Meigs, Cherokee Freedmen D 391, and Harry Still, Cherokee Freedmen #976, are filed with and made a part of the record herein.

The evidence shows that Jane Smith, Emily Nolen, formerly Rose, and James Colbert are the adult children of Matilda Colbert (formerly Dannenbergh), deceased; that they were the slaves of Cherokee citizens at the commencement of the rebellion; and that they went to Kansas during said rebellion. It is shown by evidence introduced in behalf of the applicants that said Jane Smith, Emily Nolen and James Colbert returned to the Cherokee Nation with Mariah Hayden, mother of Harry Still, after the war; and the Commission has decided in the case of Henry C. Hayden, et al., Cherokee Freedmen R 198, that the said Mariah Hayden did not return to and take up her residence in said Nation until after 1873 which decision was approved by the Department on November 28, 1902 (I.T.D. 5988, 6242--1902).

Jack Landrum, a witness in behalf of the applicants, testified that the said Matilda Colbert and her daughter, Emily, returned to the Cherokee Nation in the fall of 1866 and remained therein for a period of four or five years following that date. If the testimony of Harry Still to the effect that said applicants returned with Mariah Hayden, his mother, be accepted as true it follows that said Jack Landrum is in error when he states that Matilda Colbert and her daughter, Emily, were living in the Cherokee Nation from 1866 to 1870 or 1871. Again, Landrum is positively contradicted by the testimony of Hattie Drake and Jonathan Jones, two witnesses whose testimony is corroborated by other circumstances. Hattie Drake testified that she knew Emily Nolen, James Colbert and Jane Smith in Kansas at the close of the war; and that following that time she attended school with Emily Nolen and Jane Smith "at two different times" (years). Jonathan Jones testified that he removed to Topeka, Kansas, in February, 1866; that a year or two thereafter he became acquainted with Matilda Colbert and her three children, Emma, Jane and James, who were then residing at said place; and that they continued to reside there for a period of five or six years following the time he first got acquainted with them. The marriage license dated February 6, 1869, in which the said Matilda Colbert is described as "Matilda Deninburg of Topeka" tends to corroborate the testimony of said Jones. Inasmuch as the witness Landrum is shown to be mistaken in his statement that Matilda Colbert and her daughter, Emily, remained in the Cherokee Nation for four or five years following the fall of 1866, is it reasonable to presume that his testimony is any more accurate on the other points in controversy?

As to the testimony of applicants' witness, Harry Still, it is to be observed that, in his own case, it is established by the weight of evidence that he did not return to the Cherokee Nation until after January 19, 1867. So that if he came back to said Nation with any of the applicants it is obvious that they arrived in said Nation too late to acquire any rights to enrollment. Upon consideration of all the evidence, therefore, we are of the opinion that said Jane Smith, Emily Nolen and James Colbert did not return to said Nation until after the time specified, in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, et al., vs. The Cherokee Nation, et al., for the return of Freedmen to said Nation.

It further appears that all the other applicants herein were born since 1866; that they are the descendants of and claim right to enrollment through said Emily Nolen, Jane Smith or James

Colbert, and that they have no other rights except as such descendants. The names of none of said applicants herein are found on the 1880 authenticated roll of said Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Robert Rose, James Rose, Jane Smith, Chester Smith, Frank Smith, Bertha Smith, Catherine Smith, Curtis Smith, Melvold Smith, Emily Helen, Jessie Rose, Pearl Smith, Matilda Smith, Mary Elizabeth, Jeff Dickson, Charles Rose, James Gilbert, Myrtle Gilbert, Mable Gilbert, Minnie Gilbert, Walter J. Gilbert, Ernestine Gilbert, Pearl L. Gilbert, Geneva Lynch, John Leoney, Fraz Lynch, William Rose, Daisy Rose, Elmera Smith, Gera Morris, Clarence Morris, David Morris, Charles Morris and Helen Morris, as Cherokee Freedmen, should be denied under the provisions of Section Twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 498), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED,

James Birby

Chairman.

SIGNED,

T. B. Needles.

Commissioner.

SIGNED,

C. R. Breckinridge.

Commissioner.

SIGNED,

W. E. Stanley.

Commissioner.

Muskogee, Indian Territory,

this MAR 11 1904

6

No 804

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 20 1901



ACTING CHAIRMAN

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, AUG 26 1901, 1901.

Received of the Commission to the Five Civilized
Tribes one copy of the testimony in the matter of the
application of William Rose for en-
rollment as Cherokee Freedmen.

Cher. Cherokee Freedmen # 1804

Walter J. Smith
Atty for applicant.

D

F.N 804

D.

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 190.....

Given under my hand this
day of A. D. 190.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the

..... day of **SEP 23 1901** 190.....
McClure J. Smith
Attorney for applicant.

UNITED STATES OF AMERICA }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 190.....

Subscribed and sworn to before me
this

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 25 1901

[Signature]
ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of William Rose
for enrollment as Cherokee citizens:

Case No. D 804

To ~~William Rose or Mellette & Smith his Attys.~~

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita

Indian Territory, on Oct. 23d 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 21 1901

L B Bell
W. W. Hastings
Attorneys for the Cherokee Nation.

Cherokee Freedmen
D-804. R. 132.

Muskogee, Indian Territory, March 22, 1904.

William Rose,

Lenapeh, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, rejecting, among others, your application for the enrollment of yourself and Daisy Rose as Cherokee freedmen. Your attorney, Edgar Smith, Vinita, Indian Territory, has this day been furnished with a copy of the record of proceedings, together with a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles

Registrar.

Commissioner in Charge.

Enc. D-20

COPY.

Cherokee Freedmen
D-474, et al

McAdoo, Indian Territory, March 28, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, in the consolidated case of Robert Rose et al., rejecting the applications for the enrollment of Robert and James Rose, Jane, Chester, Frank, Bertha, Catherine, Curtis and Melvora Smith, Emily Eolen, Jessie Rose, Pearl Smith, Matilda Smith, Mary Blackburn, Jeff Dickson, Charles Rose, James, Myrtle, Mable, Minnie, Walter J., Ernesteen and Pearl L. Gilbert, Geneva Lynch, John Leoney, Prue Lynch, William and Daisy Rose, Gora, Clarence, David, Charles and Helen Morris as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. D-24.

Commissioner in Charge

Cherokee Freedmen
D-474 et al.

Muskogee, Indian Territory, March 22, 1904.

Edgar Smith,

Attorney for Robert Rose et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the consolidated case of Robert Rose et al., together with a copy of the Commission's decision, dated March 11, 1904, rejecting the application for the enrollment of Robert and James Rose, Jane, Chester, Frank, Martha, Catherine, Curtis, and Melvold Smith, Emily Nelson, Jessie Rose, Pearl Smith, Matilda Smith, Mary Blackburn, Jeff Dickson, Charles Rose, James, Myrtle, Mable, Minnie, Walter J., Ernestus and Pearl L. Gilbert, Geneva Lynch, John Leoney, True Lynch, William and Daisy Rose, Kinora Smith, Cora, Clarence, David, Charles and Helen Harris as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

J. J. [Signature]

Register
Vol. 1, p. 11

Commissioner in Charge

Cherokee Freedmen
D-476 et al.

Muskogee, Indian Territory, March 23, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Robert Ross et al., including the Commission's decision, dated March 11, 1904, rejecting the applications for the enrollment of Robert and James Ross, Jane, Chester, Frank, Bertha, Catherine, Curtis and Melveta Smith, Emily Molen, Jessie Ross, Pearl Smith, Matilda Smith, Mary Blackburn, Jeff Dickson, Charles Ross, James, Myrtle, Mable, Minnie, Walter J., Ernesteen and Pearl L. Gilbert, Geneva Lynch, John Looney, Prue Lynch, William and Daisy Ross, Elnera Smith, Cera, Clarence, David, Charles and Helen Morris as Cherokee freedmen.

Respectfully,

T. P. Needles

Through the
Commissioner of Indian Affairs.

Commissioner in Charge.

Enc. D-23.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, October 18, 1904.

Refer in reply
to the following:

Land.

20182-1904.
71324-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose herewith, a report from the Commission to the Five Civilized Tribes, dated March 22, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by John J. Rose for his minor children, Robert and James Rose; by Charles C. Smith for his wife, Jane, and minor children, Chester, Frank, Bertha, Catherine, Curtis and Malvala Smith; by Emily Helen for herself and her minor child, Jessie Rose; by Pearl Smith for himself; by Matilda Smith for herself; by Mary Blackburn for herself and minor child, Jeff Dickson; by Charles Rose for himself; by James Colbert for himself and minor children, Myrtle, Mable, Mimmie, Walter J., Earnestine and Pearl L. Colbert; by Geneva Lynch for herself and her minor children, John Leoney and Erue Lynch; by William Rose for himself; by William Rose for his minor child, Daisy Rose; by Elvera Smith for herself, and by Cora Morris for herself and minor children, Clarence, David, Charles and Helen Morris.

March 11, 1904, the Commission decided adversely to all the applicants.

The evidence shows that Jane Smith, Emily Nolan, formerly Rose, and James Colbert are the adult children of Matilda Colbert (formerly Dannenberg), deceased; that they were the slaves of Cherokee citizens at the beginning of the war of the rebellion and that they went to Kansas during said war. It is shown by evidence on behalf of the applicants, that Jane Smith, Emily Nolan and James Colbert returned to the Cherokee Nation with Mariah Hayden after the war; that the Commission has decided that the said Mariah Hayden did not return to and take up her residence in the Cherokee Nation until after 1873, which decision was approved by the Department on November 28, 1902 (I. T. D. 5988, 6242-1902).

It further appears that all the other applicants were born since 1866; that they are the descendants of, and claim right to enrollment through said Emily Nolan, Jane Smith or James Colbert and have no other rights except as such descendants.

The older applicants are identified on the Kern-Clifton and Wallace rolls, but none is identified on the 1880 authenticated Cherokee roll.

A brief (71324-1904), has been filed in the applicant's behalf, and the same has been carefully considered.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tenner

Acting Commissioner.

M.H.H.
W.

(COPY)

DEPARTMENT OF THE INTERIOR,

W. C. F.
Y. P.
THE

D. C. 47303-1904.

WASHINGTON, December 3, 1904.

I. T. D. 10738-1904.

IRS

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

March 22, 1904, you transmitted the record in the consolidated Cherokee Freedman case of Robert Ross, et al (P. D. 474 et al), including your decision of March 11, 1904, which was adverse to the applicants.

Reporting in the matter October 18, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

Due consideration has been given to a brief filed by the attorney for the applicants in the case.

The Department concurs in the Acting Commissioner's recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Theo Ryan

Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedmen
D-804 R-138.

Muskogee, Indian Territory, December 14, 1904.

William Ross,

Lenapah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting, among others, the application for the enrollment of yourself and your minor child, Daisy Ross, as Cherokee freedmen, was affirmed by the Secretary of the Interior on December 5, 1904.

Respectfully,

(SIGNED):

Tame Bixby.
Chairman.

CCPY.

Cherokee Freedmen
D-474, et al.

Muskogee, Indian Territory, December 14, 1904.

Edgar Smith,

Attorney for Robert Ross, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting the applications for the enrollment of Robert, James, Jessie, Charles, William and Daisy Ross; Jane, Chester, Frank, Bertha, Catherine, Curtis, Melvola, Pearl, Matilda and Minora Smith; Emily Nolen; Mary Blackburn; Jeff Dickson; James, Myrtle, Mable, Minnie, Walter J., Ernsteen and Pearl L. Colbert; Geneva and Prue Lynch; John Looney, and Cera, Clarence, David, Charles and Helen Morris, as Cherokee freedmen, was affirmed by the Secretary of the Interior on December 3, 1904.

Respectfully,

(SIGNED) *Tames Bixby*
Chairman.

COPY.

Cherokee Freedmen
D-474, et al.

Muskogee, Indian Territory, December 14, 1904.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting the applications for the enrollment of Robert, James, Jessie, Charles, William and Daisy Rose; Jane, Chester, Frank, Bertha, Catherine, Curtis, Melvina, Pearl, Matilda and Elvora Smith; Emily Helen; Mary Blackburn; Jeff Dickson; James, Myrtle, Mable, Minnie, Walter J., Ernsteen and Pearl L. Colbert; Geneva and Prue Lynch; John Looney, and Cera, Clarence, David, Charles and Helen Morris, as Cherokee freedmen, was affirmed by the Secretary of the Interior on December 8, 1904.

Respectfully,

SIGNED.

Tamm Bixby
Chairman.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

March 28, 1906.

Land,
25430-1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed letter of the 19th instant from William O. Beall, Acting Commissioner to the Five Civilized Tribes, wherein he says that his office is in receipt by Departmental reference of March 10, 1906 (I.T.D. 2553-1906), for report and recommendation thereon, of two letters from Jane Smith of Lenapah, Indian Territory, dated February 26, 1906, one addressed to the President, and the other to the Hon. Thomas Ryan, Assistant Secretary, concerning the status of the citizenship and allotment selections in the Cherokee nation of Emily Nolon, Jane Smith and James Colbert.

In her letter Jane Smith says that, "People are filing on our lands, selling and leasing to Oil Co., and the Lenapah Oil & Gas Co. are now operating an oil well on our lands," and that they have been to the Commission to the Five Civilized Tribes and the Indian Agent for protection. She asks to be advised if the persons named will be allowed to file contest on their land, and if it is "in your power to protect us or stop this Lenapah Oil & Gas Co." She also

says that, "Our cases are yet pending and people are coming in and taking possession and going to work operating oil wells."

Reporting, Mr. Beall says that the records of the Commissioner's office show that applications were made to the Commission to the Five Civilized Tribes for the enrollment of Jane Smith and James Colbert and Emily Nolen (Nolen) as Cherokee freedmen; that their applications were embraced in the consolidated applications for the enrollment as Cherokee freedmen of Robert Hess, et al., in which the Commission, on March 11, 1904, decided adversely to all the applicants; and that on December 3, 1904, the Commission's decision was duly affirmed by the Department.

He also says that the land which these persons claim is not described and he is therefore unable to report on its status. The records of his Office do not show that Jane Smith and Emily Nolen have ever applied for land as their allotments in the Cherokee Nation. The records of the Commissioner do show, however, that on December 24, 1904, before the Cherokee land office of the Commission was notified of the Departmental action in the case, James Colbert appeared before that office and made application, with a view to instituting contest proceedings therefor, for the SW/4 of the NE/4 of the SW/4, and the W/2 of the SE/4 of the SW/4 of Section 18, Township 27 North, Range 15 East of the Indian Meridian, which land had theretofore been selected as a part of the allotment for Jennet Bowles, and the E/2 of the NE/4 of the SW/4, same Section, Township and Range, which had theretofore been selected as a part of

the allotment for Peggie Sanders; on behalf of his minor child, Myrtle Colbert, Lot 3 of Section 18, Township 27 North, Range 15 East, and the NE/4 of the SE/4 of Section 18, Township 27 North, Range 14 East, which had theretofore been selected as a part of the allotment for Eliza Ratcliff; on behalf of his minor child, Mabel Colbert, the E/2 of the NE/4 of the SW/4, and the SE/4 of the NE/4 of the SW/4 of Section 18, Township 27 North, Range 15 East, theretofore selected as a part of the allotment of Jennet Nowles; the E/2 of the SE/4 of the SE/4 of Section 13, Township 27 North, Range 14 East, theretofore selected as a part of the allotment for Joe Waterdown, and the E/2 of the NW/4 of the SE/4, and the NW/4 of the SW/4 of the SE/4 of Section 18, Township 27 North, Range 15 East, theretofore selected as a part of the allotment for Geneva Vefford, and on behalf of his minor child, Winnie Colbert, the West 18.47 acres and the East 20 acres of Lot 2, Section 18, Township 27 North, Range 15 East, theretofore selected as a part of the allotment for Ella Ratcliff, and the SW/4 of the SE/4 of the SW/4, and the E/2 of the SE/4 of the SW/4 of Section 13, Township 27 North, Range 14 East, theretofore selected as a part of the allotment for Ahnawake Waterdown.

Mr. Beall adds that the records of the Commissioner further show that on January 16, 1908, the application made by James Colbert for the land above described was cancelled and the land regularly allotted to the respective parties named, and certificates therefor have been issued; that the records of the Commissioner's office fail to show that any motion has been

filed for review or rehearing in these cases, and in the absence of anything to the contrary, it does not appear that Jane Smith, Emily Nolen or James Gilbert have any claim to land in the Cherokee Nation.

In view of the report of the Acting Commissioner, I recommend that Jane Smith be advised that since she and the other persons in behalf of whom she writes are not recognized citizens of the Cherokee Nation, that they have no rights to Cherokee lands and cannot be protected in their occupancy of such lands.

Very respectfully,

U. F. Larrabee

Acting Commissioner.

KHM-Y.

COPY

D. C. 12735-1906.
I.T.D. 2852-1906.
8194-1906.

LRS

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

Y.P.
FHL.

April 4, 1906.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Department is in receipt of the Acting Commissioner's letter of March 19, 1906, relative to two letters from Jane Smith concerning the status of the citizenship and allotment selections in the Cherokee nation of Raily Nolan, Jane Smith and James Colbert.

On March 30, 1906, you were advised of the filing of a motion to reopen the Cherokee enrollment case of Robert Ross, et al, with which were consolidated the cases of the parties above mentioned, and you were directed to take proper action to protect the applicants in such rights as they might have.

You will immediately advise all the principal applicants that they are at liberty to file contest, under the rules governing your office in similar cases, to protect their rights to any lands they may claim they would be entitled to in case a decision by the Department is rendered in their favor in the pending citizenship case. Advise W. J. Sullivan, of Muskogee, the party who filed the motion to reopen, hereof, and advise any adverse claimants, promptly, of the filing of any application to

contact, and also the U. S. Indian Agent, Union Agency, in order that he may be fully informed in the case of any matter coming before him involving the land.

A copy of Indian Office letter of March 20, 1906, submitting the Acting Commissioner's report, is inclosed.

Respectfully,

Thos. Ryan,
First Assistant Secretary.

1 inclosure.
Through the Commissioner
of Indian Affairs.

Cherokee
F R 836 et al.

Muskogee, Indian Territory, April 11, 1906.

Chief Clerk,
Cherokee Land Office.

Dear Sir:

There are inclosed herewith two copies of Departmental letter of April 4, 1906 (I.T.D. 2852-1906, 8194-1906), in reply to this office letter of March 19, 1906, relative to two letters from Jane Smith concerning the status of the citizenship and allotment selections in the Cherokee nation of Billy Helen, James Smith, and James Colbert. The Department refers to its letter to this office of March 30, 1906, advising that a motion has been filed to reopen the Cherokee freedman case of Robert Rose, et al., and instructs this office to advise all of the principal applicants in said case that they are at liberty to file contest under the rules governing this office in similar cases, to protect whatever rights they may have to any land in the Cherokee Nation.

The Department also directs that W. J. Sullivan of Muskogee, Indian Territory, the party who filed said motion, be advised of the Department's instructions, and also to promptly advise any adverse claimants of the filing of any application to institute contest, and the U. S. Indian Agent, Union Agency, in order that he may be fully informed in the case of any mat-

Chief Clerk--2.

ter coming before him involving the land.

The principal applicants in each of the Cherokee freedmen cases included in the consolidated case of Robert Rose, et al., and W. J. Sullivan of Muskogee, Indian Territory, have this day been advised of the Department's letter and notified if any land in the Cherokee nation which they have heretofore held as the prospective allotments of themselves and family, should they be enrolled as Cherokee citizens, and on which they have permanent and valuable improvements has been selected in allotment by other citizens of the Cherokee Nation, they will be permitted to appear before the office of the Commissioner at the earliest practicable date and their applications to institute contest proceedings therefor will receive due consideration.

Respectfully,

Incl. GL-11.
GHL

Acting Commissioner.

Cherokee
P R 636 et al.

Muskogee, Indian Territory, April 11, 1906.

W. J. Sullivan,

Attorney for Robert Rose, et al.,

Muskogee, Indian Territory.

Dear Sir:

The Department in its letter to this office of April 4, 1906, referring to its letter of March 30, 1906, in reference to the motion to reopen the Cherokee freedman enrollment case of Robert Rose, et al., instructs as follows:

"You will immediately advise all the principal applicants that they are at liberty to file contest, under the rules governing your office in similar cases, to protect their rights to any lands they may claim they would be entitled to in case a decision by the Department is rendered in their favor in the pending citizenship case."

You are advised that the principal applicants in each of the cases included in the consolidated case of Robert Rose, et al., has this day been notified that if land in the Cherokee Nation, which he has heretofore claimed as the prospective allotments for himself and the members of his family and on which he has permanent and valuable improvements, has been selected in allotment by other citizens of the Cherokee Nation, he will be permitted to appear before the offices of the Commissioner at the earliest practicable date and his ap-

V. J. Sullivan-2.

petition to institute contest proceedings therefor will then receive due consideration.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Incl. GH-10/
GHL

Acting Commissioner.

Cherokees
F D 304,
F R 132.

Muskogee, Indian Territory, April 11, 1906.

William Rose,

Lenapah, Indian Territory.

Dear Sir:

In letter to this office of March 30, 1906, the Department advises that a motion had been filed to reopen the Cherokee freedman enrollment case of Robert Rose, et al., with which was consolidated your application for the enrollment of yourself and minor child as Cherokee freedmen. The Department in a letter of April 4, 1906, referring to said case, instructs this office as follows:

"You will immediately advise all the principal applicants that they are at liberty to file contest, under the rules governing your office in similar cases, to protect their rights to any lands they may claim they would be entitled to in case a decision by the Department is rendered in their favor in the pending citizenship case."

You are, therefore, hereby notified that if any land in the Cherokee Nation on which you have permanent and valuable improvements, and which you have heretofore held as your prospective allotments in the Cherokee Nation in the event you were enrolled as Cherokee freedmen, has been selected in allotment by other citizens of the Cherokee Nation, you will be permitted to appear before the offices of the Commissioner at the

William Ross-2.

earliest practicable date at which time your application to
institute contest proceedings therefor will receive due con-
sideration.

Respectfully,

GHL

Acting Commissioner.

10

30804

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 21 1901

[Signature]
ACTING CHAIRMAN

[Vertical handwritten notes]

[Vertical handwritten notes]

CHEROKEE FREEDMEN.

Date *June 21, 1901*
Post Office *Lenoir, N.C.*
District *Leno*

1. Name *William Rose* Age *24*
Owner's name _____ Citizenship _____
Year *K.C.* Page *146* No. *3617* District *Leno*

Parents:
Father *John Rose - living* Citizenship _____
Mother *Emily Nolan - living* Citizenship _____

2. Name of wife _____ Age _____
Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____
Parents:
Father *Doubtful*
Mother _____ Citizenship _____

Names of Children:

No.	Year	Page	No.	Dist.
3	_____	_____	_____	_____
4.	Year _____	Page _____	No. _____	Dist. _____
5.	Year _____	Page _____	No. _____	Dist. _____
6.	Year _____	Page _____	No. _____	Dist. _____
7.	Year _____	Page _____	No. _____	Dist. _____
8.	Year _____	Page _____	No. _____	Dist. _____
9.	Year _____	Page _____	No. _____	Dist. _____
10.	Year _____	Page _____	No. _____	Dist. _____
11.	Year _____	Page _____	No. _____	Dist. _____
12.	Year _____	Page _____	No. _____	Dist. _____

Application made by *Ms. 1* Stenographer *J. O. Rosson*

1 On K.C. roll as Will Rose

Represented by Mellette and Smith.

X Ref, D 3-11
X Ref,

31
712804
MAR 23 1962

[Handwritten signature]
ALUMINUM PRESSURE

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. William Rose,

Lenapah, I. T.

Cherokee-F-D-804.

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cher. Fr. R. 745

Trans. from C.F.D. 808

Cher. Fr. R. 745

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JUN 29 1901

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[Signature]

7000

Commissioner

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 21, 1901.

In the matter of the application of George Nave for the enrollment of himself as a Cherokee Freedman and his wife, Maggie Nave, as an intermarried Cherokee Freedman.

George F. Nave, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A George Nave.
Q How old are you? A I don't know just exactly my age.
Q Just near about your age? A I think about 45 or something like that.
Q What is your post office? A Lenapah.
Q What district do you live in? A Coowasscoowas.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Me and my wife.
Q What is your wife's name? A Maggie Gill, before I married her.
Q How old is she? A She is about 30 I believe, as near as I can come at it.
Q You want to enroll anyone besides yourself and Maggie?
A Just me and her, just us two.
Q No children? A No children.
Q Is your name on the roll of 1880? A Yes, sir, I guess it is.
Q What is your father's name? A Armstead Nave.
Q Is he living? A No, sir, he is dead.
Q What is your mother's name? A Dinah Vann now.
Q Is she living? A Yes, sir.
Q Were you ever married before you married Maggie? A No, sir.
Q Was she ever married before she married you? A Twice.
Q What was her father's name? A I don't know sir.
Q What was her mother's name? A Vincy Cooper.
Q Was Vincy Cooper a Cherokee Freedman? A No, sir.
Q Your wife then is what is known as a state woman? A Yes, sir.
Q You apply for her by intermarriage, do you? A Yes, sir.

Commissioner: The applicant presents a certificate of marriage, certifying that he was married on the 2nd day of April, 1895, to Maggie Gill, a non citizen.

Mr. W.W. Hastings, Cherokee attorney: Did you have a brother by the name of Lewis? A Yes, sir, a full brother.

- Q Did you have a sister? A Yes, sir.
Q What was her name? A Her name was Flora; she is dead.
Q Older or younger than Lewis? A She is younger.
Q Are you older or younger than Lewis? A I am younger; I am the baby one, the last one.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

Commissioner: You must know whether you are on the roll of 1880 or not don't you? A Why I ought to be, I have been enrolled here all the time.

Mr. Hastings: Who did you come back with after the war? A My mother and father.

Q You have lived here ever since? A Yes, sir, I have been right here ever since; lived here with her until five years ago, and then I married and taken my wife away from her.

- Q Your oldest brother was named Lewis? A Yes, sir.
Q You had a sister younger than he? A Yes, sir.
Q Now where did you first come to after the war; where do you first remember? A The first place I can remember was living close to a place called Fryor Creek.

Maggie Hava - 2.

Q Were you with your mother then? A Yes, sir, I was right with her.

Q You continued to live with your mother? A Yes, sir, until five years ago.

Q How long did you live on Pryor Creek after the war? A Well, I don't know, I can't tell just exactly how long I did live there.

Q Isn't your mother out there? A Yes, sir, she is here.

Dinah Vann, being duly sworn and examined before Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Dinah Vann.

Q What was your name before your married Vann? A Amastead Hava.

Q Was that your husband's name? A Yes, sir.

A How many children did you have by Amastead Hava? A I raised eight but they are all dead now.

Q Did you have one named Lewis? A Yes, sir.

Q Is this boy older or younger than Lewis? A Younger; that is my baby boy.

Q About how old do you judge him to be? A Judge him to be about thirty.

Q Where was he born, here or in Kansas? A Yes, sir, in Flint.

Q Was that before or after the war? A Before.

Q Did you take him out with you? A Yes, sir, and brought him back.

Q How long did he live with you after the war? A It hasn't been so long since he quit living with me.

Q Did he live with you up until he was married? A Yes, sir.

Q Did he go off to work anywhere in the meantime? A Yes, sir, he goes out to work now sometimes.

Q Where did he go out to work, out of the Nation? A Oh no sir, in the Nation.

Q Work any over in the Creek Nation? A No, sir, he has never been there.

Q Well, is your oldest boy, Lewis, alive? A Yes, sir.

Q Now what is your oldest girl's name next to Lewis? A Well the oldest girl, Betsy Glass, that is the married one, and Martha, Martha is dead, and Flora is dead, and Nancy is dead.

Q Where did you marry Edmund Vann? A Pryor Creek.

Q After the war? A Yes, sir.

Q Now you brought this boy back with you? A Yes, sir, I did.

George Hava, recalled, testified:

Mr. Hastings: Your wife ever been married before? A Yes, sir, twice.

Q Who to? A The first husband was Richard Francis, and the second one was John Gill.

Q Where is her husband now? A They are both dead, the first two.

Q Did she ever marry you? A Yes, sir.

Q You have never been married before? A No, sir, never been married before.

The 1880 authenticated roll of Cherokee Freedmen examined, and the mother of applicant George Hava, identified thereon page 194, No. 3884, Coowescoowee district.

Commissioner: Did you ever draw the Kern-Clifton money? A No, I didn't draw that money.

Q Why? A Well by some means, I can't tell how, my name was dropped off the pay-roll.

The Kern-Clifton roll examined and the applicant not identified thereon.

Q Did you draw the Wallace money? A Yes, sir, I drew the Wallace money.

Maggie Nave - 2.

The Wallace roll examined, and the applicant, George Nave, identified therein, page 152, No. 8760, Coowescoowee district, as George F. Nave.

- Q Have you got a middle name? A George Floyd.
Q Have you always lived in the Cherokee Nation? A Yes, sir.

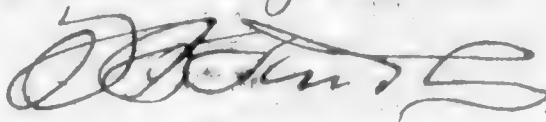
Commissioner: George F. Nave applies for the enrollment of himself and his wife, Maggie. He avers that he is the child of Dinah Vann, and Dinah Vann's name is found upon the authenticated roll of 1889. Satisfactory proof has been made to the effect, as the testimony will show, that the said George F. Nave is the son of Dinah Vann by her husband Nave, and that he was taken out of the Cherokee Nation during the war and returned with his mother, and is entitled to be listed. He cannot be identified upon any roll except upon the Wallace roll, upon which he is duly listed and identified. Said George F. Nave will be listed for enrollment as a Cherokee Freedman.

He applies for the enrollment of his wife, Maggie. He makes satisfactory proof of his marriage to his wife, Maggie Gill, a non citizen, said marriage having been solemnized on the 18th of April, 1895. He avers that she has been living with his wife from the time of his marriage to the present. Consequently, Maggie Nave, nee Gill, will be listed for enrollment as a Cherokee Freedman by intermarriage upon a doubtful card. She will be notified by mail of the action of the Commission in the premises.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 25th of June, 1901.



Commissioner.

Ship out in the morning of August 20 1901

The first conference was held at the Hotel...
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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE PUBLIC LANDS
FILE NO. 1
OCT 4 1901

POLYMER

-R-
SUPPLEMENTAL C.F.D. 480

Department of the Interior
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., Sept. 21, 1901.

In the matter of the enrollment of Maggie Nave as a Cherokee Freedman.

Appearance of
W.W. Hastings, for the Cherokee Nation.

COMMISSION: The Cherokee Nation makes satisfactory proof of service of notice on said Maggie Nave that she would be introduced in the matter of her application for enrollment as a Cherokee Freedman, at Fort Gibson, Indian Territory, on the 21st day of September, 1901, said Maggie Nave has been called three times, and fails to respond.

BY W.W. HASTINGS:

The Cherokee Nation offers in evidence a certified copy of the decision of the Supreme Court of the Cherokee Nation of date June 20th, 1871, with reference to the rights of intermarried colored persons.

E. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

E. D. Green

Subscribed and sworn to before me this September 24th, 1901.

C. R. Beckwith

Commissioner.

Cherokee Freedman D 808

THIS CERTIFIES THAT George Hove and Maggie Gill were by me united in MARRIAGE according to the laws of the State of Cherokee Nation on the 12th day of April in the year of our Lord one thousand 18 hundred 95 ninety five at his mothers resident

Witnesses (David French
:
(Dinah Vann

Rev Edmund Vann officiated

Muskogee, I. T., July 19, 1902.

I, H. M. Vance, as stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above is a true and correct copy of the original Marriage Certificate now on file in the office of the Commission.



COPY.

Cherokee Freedman
D-14 et al.

Muskogee, Indian Territory, January 24, 1905.

The Honorable

The Secretary of the Interior.

Sirs:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Selten, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Kayfield, Nellie Rider, Rouben Campbell, Van Jackson Luther, Cassie Middleton, Mary Hawkins, Nellie Fields, John Kirke, William S. Madison, James Bean, Albert F. Thomas, Mary Campbell, Caroline Daniels, Melvina Aherty, Jane Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Edward F. Watson, Jack McGinnell, Maude Manley, George Reed, Sr., Buck Lofton, Bell Thompson, Lewis Scott, Abe Scott, Kander Lampton, Thomas R. Allen, Louis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lane Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred J. Thomas, Bettie Beck, Ella Warren, Millie Robinson, Mary Webber,

Frances Martin, Mary Riley, Emanuel Taylor, Henry Rykes, Larkin F. Powell, Stepney Dowd, Malinda Vann, Frances Johnson, Annie Foster, Mary E. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Bunker, Willis Cox, Leonard Bewlos, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neema Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Haskrig, Lizzie Vest, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Fallard, Laura David, John Jackson, James B. Perry, Isaac Welch, Lawson Logan, George Hewell, Henry Hamir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice Guster, Katie Adair, Carrie Martin, Benjamin Clark, Bully Locney, John Groves, Matilda McFair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Gohasby, Susan Daniels, Anderson Turk, David Lane, Felix McFain, Henderson Jones, Belle Vann, Levi Stroud, John Supter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by inter-marriage, including the Commission's decision dated January 19, 1906, rejecting said applications.

Respectfully,

(SIGNED):

Tams Dixby

Chairman.

Incl. K-6.

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee Freedman
D-808.

Muskogee, Indian Territory, January 24, 1905.

Maggie Havo,

Lenapah, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. L-95.

Register,

SIGNED

James Bixby.
Chairman.

COPY.

Cherokee Freedmen
2-14 et al.

Muskogee, Indian Territory, January 24, 1905.

Poll, Hastings & Deavenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting the applications for the enrollment of, William Jarvis, Henry Thomas, Ella Vann, Mary Hartham, Frances Kelton, John Detson, Mary Jane Vann, Thomas Love, Ella Hayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Highten, Mary Harlin, Nellie Fields, John Kinbo, William S. Madden, Jane Pean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Malvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Jarvis, Samuel Brown, Edward F. Watson, Jack McConnell, Maude Hanley, George Reed, Sr., Buck Ledman, Nell Thompson, Lewis Scott, Abe Scott, Kendar Lampton, Thomas E. Allen, Lewis Vanderford, John T. Rowlin, Katie Jarvis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Hartha Vann, John Scott, Nancy Pass, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Lecney, Lucy

Chocteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephen Dean, Malinda Vann, Frances Johnson, Annie Foster, Mary E. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Cleggett, Samuel Irvan, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Cleggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hambrick, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Edson, Sarah Rogers, Abraham Ballard, Laura David, John Jackson, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McHair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Huppter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the

Secretary will be made known to you as soon as the Commission is
informed of the same.

Respectfully,

James Birby.
Director.

Encl. 1-8.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Refer in reply
to the following:
Land.
7908-1908.

WASHINGTON, March 20, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1908, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Marthan, Frances Melten, John Dotson, Mary Jane Vann, Thomas Lewis, Ella Mayfield, Sallie Eider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinbe, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Merris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Nell Davis, Samuel Brown, Howard P. Watson, Jack McConnell, Maude Hanley, George Reed, Sr., Buck Ledman, Bell Thomas, Lewis Scott, Abe Scott, Kender Lupton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles G. Smith, Susie Colbert, William Stragg, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau,

Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Rykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neema Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Mattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizale West, Marie French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard, and Lula Melton.

January 19, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been

centered or admitted to citizenship by any tribal authority of
the Empire of Mexico or by any United States tribunal and that
none is identified on the 1880 naturalization census roll.

In view of the report and of the ruling of the Depart-
ment of November 12, 1906 (I. T. S. 2444-1906) in the instant
instance and the approval of the Assistant's decision conveyed
by all the authorities in possession

Very respectfully,

C. F. Lawrence

Acting Commissioner

H.M.H.
7.

(COPY)

D. C. 20677-1905
I.T.B. 2004-1905

V.C.F.
P.M.

L R S

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

April 17, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Detsen, Mary Jane Vann, Thomas Lowe, Ella Wayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinke, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Harris, Alexander Claggett, Ananda Martin, Elise Martin, John E. Barasa, Bell Davis, Samuel Brown, Howard V. Watson, Jack McConnell, Maude Manley, George Reed sr., Buck Logan, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas N. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rice, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann,

John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William
Skaggs, Susie Johnson, Alfred P. Hopkins, Elsie Vann, Freddie
Leoney, Lucy Cheuteau, Alice Durant, Mahaley Ward, Fred B. Thomas,
Bettie Beck, Ellis Warren, Willie Robinson, Mary Webber, Frances
Martin, Mary Riley, Emanuel Taylor, Henry Bykes, Larkin P. Powell,
Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster,
Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young
John Buckner, Willis Cox, Leonard Bewler, Malinda Burrell,
Charles Claggett, Samuel Irven, Mary Ross, Maggie Hays, Neena Hays,
Ella Ross, Elizabeth Duncam Gail Adams, Georgeann Archer,
John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George
Ma Kelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann,
William Hudson, Sarah Rogers, Abraham Hallard, Laura David, John
Deckman, James E. Perry, Isaac Welch, Lawson Logan, George Newell,
Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie
Vann Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac
Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark,
Milly Loney, John Groves, Matilda McWair, Beattie Vann, Nelson Lett,
Fannie Rogers, William Washington, Squire Warren Owens,
Fannie Goldsby, Susan Daniels, Anderson Park, David Lane,
Felia McClain, Henderson Jones, Belle Vann, Levi Stroud, John
Sumpter, Mariah Thompson, Ellen Sheppard and Lula Walton.

Reporting in the matter March 21, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) THOS. WILSON
Acting Secretary

1 inclosure

COPY.

Cherokee Freedmen

D-806.

Muskogee, Indian Territory, April 28, 1905.

Maggie Nava,

Lenapeh, Indian Territory,

Dear Madam:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

SIGNED: *Tams Bixby*
Chairman.

COPY.

Cherokee Freedmen

D -14, et al.

Muskogee, Indian Territory, April 28, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

SIGNED: *Tames Dixby*
Chairman.

COPY.

Cherokee Freedmen

D-14, et al.

Wahlequah, Indian Territory, April 28, 1906.

Commissioner in Charge,
Cherokee Land Office,
Wahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1906, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1906.

Respectfully,

Tams Bixby.
Chairman.



CERTIFIES THAT

George Clark
and Maggie Hill

are united

MARRIAGE

according to the Constitution of the State of
Ohio the 12th day of

in the year of our Lord one thousand
18 hundred 85

at six o'clock

By Edward L. M. appropriate

13

30808

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUN 21 1901



ACTING CHAIRMAN

CHEROKEE FREEDMEN.

Date *June 21, 1906*
Post Office *Senapah, Ia.*
District *600*

1. Name Age
Owner's name Citizenship
Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife *Maggie Nave* Age *50*
Owner's name Citizenship
Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

No.	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Robert Nave

Application made by *Geo. Nave (husband)* stenographer *B. Jones.*

X Ref.

R
MAR 22 1902

[Handwritten signature]
MAR 22 1902

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,
from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Maggie Nave,

Lenapeh, I. T.

Cherokee-F-D-808.

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Department of the Interior,
Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by inter-marriage of the Cherokee Nation, consolidating the applications of:

William Davis,	Cherokee Freedmen D-114,
Henry Thomas,	Cherokee Freedmen D-118,
Ella Vann,	Cherokee Freedmen D-170,
Mary Markham,	Cherokee Freedmen D-109,
Frances Melton,	Cherokee Freedmen D-110,
John Dotson,	Cherokee Freedmen D-111,
Mary Jane Vann,	Cherokee Freedmen D-115,
Thomas Lowe,	Cherokee Freedmen D-118,
Ella Mayfield,	Cherokee Freedmen D-124,
Sallie Mader,	Cherokee Freedmen D-147,
Reuben Campbell,	Cherokee Freedmen D-167,
Van Jackson Luther,	Cherokee Freedmen D-174,
Cassie Middleton,	Cherokee Freedmen D-176,
Mary Hatfield,	Cherokee Freedmen D-179,
Nemie Fields,	Cherokee Freedmen D-180,
John Knabo,	Cherokee Freedmen D-188,
William S. Madden,	Cherokee Freedmen D-189,
Jane Bean,	Cherokee Freedmen D-205,
Albert T. Thomas,	Cherokee Freedmen D-249,
Mary Campbell,	Cherokee Freedmen D-276,
Caroline Daniels,	Cherokee Freedmen D-282,
Melvina Alberty,	Cherokee Freedmen D-287,
Dave Morris,	Cherokee Freedmen D-368,
Alexander Chiggett,	Cherokee Freedmen D-368,
Amanda Martin,	Cherokee Freedmen D-364,
Eliza Martin,	Cherokee Freedmen D-317,
John E. Barnes,	Cherokee Freedmen D-318,
Bell Davis,	Cherokee Freedmen D-335,
Samuel Brown,	Cherokee Freedmen D-346,
Howard P. Watson,	Cherokee Freedmen D-347,
Jack McConnell,	Cherokee Freedmen D-348,
Maudie Manley,	Cherokee Freedmen D-303,

George Reed, Sr.,
 Buck Ledman,
 Bell Thompson,
 Lewis Scott,
 Abe Scott,
 Kender Lampton,
 Thomas H. Allen,
 Lewis Vanderford,
 John L. Bowlin,
 Katie Davis,
 Charles Williams,
 John J. Rose,
 Jane Martin,
 Lena Peterson,
 Alex Johnson,
 Martha Vann,
 John Scott,
 Nancy Ross,
 Charles C. Smith,
 Susie Colbert,
 William Skaggs,
 Susie Johnson,
 Alfred P. Hopkins,
 Kizzie Vann,
 Freddie Looney,
 Lucy Chouteau,
 Alice Duraat,
 Mahaley Ward,
 Fred D. Thomas,
 Bettie Beck,
 Ellie Warren,
 Millie Robinson,
 Mary Webber,
 Frances Martin,
 Mary Riley,
 Emanuel Taylor,
 Henry Sykes,
 Larkin P. Powell,
 Stepney Dawn,
 Malinda Vann,
 Frances Johnson,
 Annie Foster,
 Mary H. Rogers,
 George Washington Lane,
 Jane Brown,

Cherokee Freedmen D-382,
 Cherokee Freedmen D-406,
 Cherokee Freedmen D-411,
 Cherokee Freedmen D-420,
 Cherokee Freedmen D-421,
 Cherokee Freedmen D-423,
 Cherokee Freedmen D-424,
 Cherokee Freedmen D-426,
 Cherokee Freedmen D-444,
 Cherokee Freedmen D-455,
 Cherokee Freedmen D-473,
 Cherokee Freedmen D-474,
 Cherokee Freedmen D-486,
 Cherokee Freedmen D-490,
 Cherokee Freedmen D-493,
 Cherokee Freedmen D-495,
 Cherokee Freedmen D-501,
 Cherokee Freedmen D-513,
 Cherokee Freedmen D-514,
 Cherokee Freedmen D-520,
 Cherokee Freedmen D-545,
 Cherokee Freedmen D-546,
 Cherokee Freedmen D-550,
 Cherokee Freedmen D-552,
 Cherokee Freedmen D-573,
 Cherokee Freedmen D-584,
 Cherokee Freedmen D-588,
 Cherokee Freedmen D-608,
 Cherokee Freedmen D-650,
 Cherokee Freedmen D-665,
 Cherokee Freedmen D-667,
 Cherokee Freedmen D-674,
 Cherokee Freedmen D-691,
 Cherokee Freedmen D-692,
 Cherokee Freedmen D-696,
 Cherokee Freedmen D-699,
 Cherokee Freedmen D-733,
 Cherokee Freedmen D-735,
 Cherokee Freedmen D-736,
 Cherokee Freedmen D-741,
 Cherokee Freedmen D-742,
 Cherokee Freedmen D-743,
 Cherokee Freedmen D-752,
 Cherokee Freedmen D-758,
 Cherokee Freedmen D-760,

Samuel L. Young,
 John Buskner,
 Willis Cox,
 Leonard Bowles,
 Malinda Murrell,
 Charles Claggett,
 Samuel Irvon,
 Mary Ross,
 Maggie Nave,
 Neoma Nave,
 Ella Ross,
 Ellimboth Duncan,
 Sadie Adams,
 Georgeann Archer,
 John Claggett,
 Hattie Smith,
 Jack Jackson,
 Lula Sanders,
 George Hazelrig,
 Lizzie West,
 Maria French,
 Mary Johnson,
 Maggie Vann,
 William Hudson,
 Sarah Rogers,
 Abraham Ballard,
 Laura David,
 John Deckman,
 James B. Perry,
 Isaac Welch,
 Lawson Logan,
 George Howell,
 Henry Masir,
 George Adams,
 Annie Thomas,
 Lewis McConnell,
 Callie Vann,
 Lou Peters,
 Ida Adair,
 Robert Brown,
 Allie Chambers,
 Isaac Jones,
 Alice Gunter,
 Katie Adair,
 Carrie Martin,

Cherokee Freedmen D-761,
 Cherokee Freedmen D-780,
 Cherokee Freedmen D-781,
 Cherokee Freedmen D-787,
 Cherokee Freedmen D-788,
 Cherokee Freedmen D-789,
 Cherokee Freedmen D-798,
 Cherokee Freedmen D-799,
 Cherokee Freedmen D-808,
 Cherokee Freedmen D-816,
 Cherokee Freedmen D-840,
 Cherokee Freedmen D-871,
 Cherokee Freedmen D-880,
 Cherokee Freedmen D-901,
 Cherokee Freedmen D-912,
 Cherokee Freedmen D-923,
 Cherokee Freedmen D-938,
 Cherokee Freedmen D-973,
 Cherokee Freedmen D-987,
 Cherokee Freedmen D-990,
 Cherokee Freedmen D-1010,
 Cherokee Freedmen D-1039,
 Cherokee Freedmen D-1062,
 Cherokee Freedmen D-1067,
 Cherokee Freedmen D-1078,
 Cherokee Freedmen D-1082,
 Cherokee Freedmen D-1085,
 Cherokee Freedmen D-1105,
 Cherokee Freedmen R-49,
 Cherokee Freedmen R-45,
 Cherokee Freedmen R-48,
 Cherokee Freedmen R-50,
 Cherokee Freedmen R-72,
 Cherokee Freedmen R-82,
 Cherokee Freedmen R-83,
 Cherokee Freedmen R-86,
 Cherokee Freedmen R-94,
 Cherokee Freedmen R-96,
 Cherokee Freedmen R-99,
 Cherokee Freedmen R-100,
 Cherokee Freedmen R-102,
 Cherokee Freedmen R-104,
 Cherokee Freedmen R-105,
 Cherokee Freedmen R-106,
 Cherokee Freedmen R-107,

Benjamin Clark,
 Emily Looney,
 John Groves,
 Matilda McNair,
 Bettie Vann,
 Nelson Lett,
 Fannie Rogers,
 William Washington,
 Squire Warren Owens,
 Fannie Goldsby,
 Susan Daniels,
 Anderson Turk,
 David Lane,
 Felix McClain,
 Henderson Jones,
 Belle Vann,
 Levi Stroud,
 John Sumpter,
 Mariah Thompson,
 Ellen Sheppard,
 Lula Melton,

Cherokee Freedmen R--100,
 Cherokee Freedmen R--110,
 Cherokee Freedmen R--112,
 Cherokee Freedmen R--117,
 Cherokee Freedmen R--122,
 Cherokee Freedmen R--125,
 Cherokee Freedmen R--129,
 Cherokee Freedmen R--141,
 Cherokee Freedmen R--142,
 Cherokee Freedmen R--144,
 Cherokee Freedmen R--146,
 Cherokee Freedmen R--148,
 Cherokee Freedmen R--155,
 Cherokee Freedmen R--175,
 Cherokee Freedmen R--181,
 Cherokee Freedmen R--196,
 Cherokee Freedmen R--241,
 Cherokee Freedmen R--280,
 Cherokee Freedmen R--287,
 Cherokee Freedmen R--247

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by inter-marriage, were made to this Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Jim Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Rider for his wife, Sallie Rider; by Reuben Campbell for himself; by Van Jackson Dittler for himself; by Tobe Middleton for his wife, Carrie Middleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nellie Fields; by John Kimbo for himself; by William E. Madden for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Peyton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard F. Watson; by Jack McConnell for himself; by Maudie Manley for herself; by George Reed, Sr. for himself; by Buck Ledman for himself; by Ben Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Kender Lupton for himself; by Thomas E. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Maria Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skagge for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lacy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Wiley for his wife, Mary Elley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Stepney Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr. for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammar Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Irven for himself; by David Ross for his wife, Mary Ross; by George R. Nays for his wife, Maggie Nays; by Lewis Azarstead Nays for his wife, Neoma Nays; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lula Sanders; by Mary Hensley for her husband, George Hensley; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckman for himself; by James B. Perry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McConnell for himself; by John Vann for his wife, Callie Vann; by Lou Peters for herself; by Robert Adair for his wife, Ida Adair; by Jessie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Groves for her husband, John Groves; by Butler McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Lane for himself; by Felix McClain for himself; by Henderson Jones for himself; by James Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harbin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irvan, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY,
Chairman.

[SIGNED] T. B. NEEDLES,
Commissioner.

[SIGNED] C. R. BRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT

In the matter of the application of Maggie
for enrollment as a Cherokee Freedman.

Navz
No. F. D. 808

Henry Pack of lawful age, being duly sworn on
oath states that on the 14 day of September, A. D., 1901, he registered
to Maggie Navz whose postoffice is Lenapah
Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto
attaches the receipt of the Postmaster at Fort Gibson Indian Territory;
and that on the 18 day of September, 1901, he received the return
card which is hereto attached, signed by the said Maggie Navz, showing
that he had received said notice.

Subscribed and sworn to before me on this the 18 day of Sept. A. D. 1901.

Henry Pack
J. C. Starr
Notary Public.

FD 808

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
..... day of..... A. D. 1901.

Given under my hand this.....
day..... A. D. 1901.

Marshal for Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
..... day of....., 1901.

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a
true copy of the within notice to.....

on the..... day of..... A.D. 1901

Subscribed and sworn to before me
this..... day of..... A.D. 1901.

SEP 18 1901
FILED
SEP 18 1901

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 18 1901

SEP 18 1901
[Signature]

Subscribed and sworn to before me
this day of A. D. 1901.

on the day of A. D. 1901

I do solemnly swear that I delivered a
true copy of the within notice to

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT,
s. s. }

Attorney for applicant.

day of 1901.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the

Marshal for Cherokee Nation.

day A. D. 1901.

Given under my hand this
..... day of A. D. 1901.

by delivering a true copy thereof on the

in notice on

I hereby certify that I served the with-

INDIAN TERRITORY,
CHEROKEE NATION.

FA 808

NOTICE!

IN THE MATTER OF The application of **Maggie Nave**
for enrollment as a Cherokee Freedman:

Case No. F. D. 808

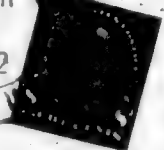
To **Maggie Nave** **Lenapah** **I. T.**

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of **Fort Gibson, I. T.** Indian Territory, on the following dates, to-wit: **Sept. 21st at 8 o'clock A. M.** A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this **SEP** day of **1901**.

L. B. Bell
W. Hastings

Attorneys for the Cherokee Nation.



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Mrs. Maggie Nave,

Lenapah, Indian Territory.

2221

55

Uncalled for

Cher. Fr. R. 746

Trans. from C. Fr. D. 812

Cher. Fr. R. 746

Department of the Interior,
Commission to the Five Civilized Tribes,
Newata, I. T. June, 23d 1901.

In the matter of the application of Ransom Daniels for the enrollment of himself, his sister and two brothers as Cherokee freedmen; he being sworn by Commissioner T. B. Needles, testified as follows:

Mallette & Smith attorneys for the applicant-

W. W. Hastings and James Davenport attorneys for the Cherokee Nation;

By Com'r Needles-

- Q What is your name? A. Ransom Daniels.
Q What is your age? A. 23.
Q What is your post office address? A. Hayden.
Q In what district do you live? A. Geowencesowee.
Q Do you want to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who do you want to have enrolled besides yourself? A. My sister and two brothers.
Q What is the name of your sister? A. Maggie Daniels.
Q How old is she? A. 20 years.
Q What are the names of your brothers? A. Joe Daniels.
Q How old is he? A. 18 years old.
Q What is the name of the other one? A. Harry Daniels.
Q How old is he? A. 17.

By Mr. Mallette

- Q Where do you live? A. On salt creek.
Q Who was your father? A. Harry Daniels.
Q Who was your mother? A. Adeline.
Q How old are you? A. 23.
Q Where have you been living since you can remember? A. Over here on salt creek.
Q Did you ever live out of the Cherokee Nation? A. Not as I knew of.
Q Where were you born as far as you knew? A. In the Nation.
Q Cherokee Nation? A. Yes sir.
Q Do you own a place of your own on the Public Domain of the Cherokee Nation? A. Yes sir, I am on my mother's father's place.
Q Since his death you are still on his place a re you? A. Yes sir.
Q Your father is dead isn't he? A. Yes sir.
Q Where are those two brothers whose names you mentioned? A. In the Nation.
Q Cherokee Nation? A. Yes sir.
Q Have you some sisters who are married? A. Yes sir.
Q What are their names? A. Bell and Marguerite.
Q Is Maggie for whom you apply, your full sister? A. Yes sir.
Q Are you on the 1898 Gristen roll? A. Yes sir.

By the Commission;

- Q Are your parents living? A. No sir they are both dead.

The 1898 authenticated roll of the Cherokee Nation examined and the name of the applicant not found therein.

The names of none of the applicants can be identified on the census roll of 1898.

The Kern Clifton roll of the Cherokee Nation examined and the names of the applicants found thereon as follows:
Page 183 No. 4492, Ransom Daniels.
Page 183 No. 4494, Joseph Daniels.
Page 183 No. 4495, Harry Daniels Jr.
Page 183 No. 4493, Maggie Daniels.

The Wallace roll of the Cherokee Nation examined and the names of the applicants found thereon as follows:
Page 183 No. 3348, Ransom Daniels.
Page 183, No 3349, Maggie L. Daniels.

By the Commission:

- Q Where have these two brothers lived all their lives? A. In the Cherokee Nation.
Q Were they born herein the Nation? A. Yes sir.
Q This sister, is she a full sister of yours? A. Yes sir.
Q How long has your father been dead? A. Two years.
Q How long has your mother been dead? A. I don't know.

By Davendorf:

- Q Do you know where your father was living when the war commenced? A. No sir.
Q You don't know to whom he belonged? A. No sir.
Q Do you know where Marguerite was born? A. No sir.

ALLEN LYNCH called and sworn as witness for the applicant testified as follows:

By Mellotte:

- Q What is your name? A. Allen Lynch.
Q How old are you? A. 61.
Q What is your post office address? A. Vinita.
Q Do you know the applicant here, Ransom Daniels? A. Yes sir.
Q Did you know his father Harry? A. Yes sir.
Q Was his father a slave in the Cherokee Nation before the war? A. Yes sir.
Q How long before the war did you know him? A. Ever since I was a boy.
Q Do you know where he was during the war? A. No sir.
Q Who was his master? A. Jim or Bob Daniels.
Q Which one was it? A. Long Jim.
Q Where did they live? A. In Indian Territory.
Q In what Nation? A. In the Cherokee Nation.
Q What district? A. Delaware.
Q Do you know a place in the Cherokee Nation and of a Cherokee citizen at the beginning of the war? A. Yes sir.
Q Do you know when he came back after the war? A. No sir.
Q Did you ever hear of him in the Cherokee Nation after the war? A. Yes sir.
Q Where? A. In Indian Territory.
Q How many years ago was that? A. I cannot tell you that.

Q Did you know his wife Caroline? A. No sir.
 Q How you known this boy? A. Yes sir.
 Q You knew he is Harry Daniels child? A Yes sir, they claimed him to be.
 Q You didn't know his mother? A. No sir.

By Raveaport-

Q You don't know of your own knowledge that Harry Daniels belonged to a Cherokee citizen when the war broke out do you? A I know they owned him before the war.
 Q How long before the war did you know of him belonging to a Cherokee citizen? A. Daniels.
 Q How I asked how long? A. A year or two.
 Q You hadn't seen him then within a year or so before the war? A. No sir.
 Q How far did you live from him when the war broke out? A. About 30 miles, but before that we used to live close to him.
 Q When did you move from Batick Prairie? A. When I was a boy
 Q How long was that before the war? A. About 30 years, but I seed ~~his father and his uncle~~ this boys father and his uncle often before the war.
 Q When was the last time that you saw this boys reputed father and uncle before the war? A. About aye.

By Mellette-

Q You said you saw him during the war? A. No sir he went south and I went north

By the Commission;

Q You dont know when he came back after the war? A. No sir.

LUSTER FOREMAN, called and sworn as a witness for the applicant testified as follows-

Q What is

By Mr. Mellette-

Q What is your name? A. Luster Foreman.
 Q What is your post office address? A. Vinita.
 Q What is your age? A. 50 or 60 years old.
 Q Are you a recognized Cherokee freedman citizen of the Cherokee Nation?
 A Yes sir
 Q Do you know this boy, Ransom Daniels? A. I am not acquainted with him.
 Q Did you know Harry Daniels, his father? A. Yes sir.
 Q When did you first know him? A. I wasn't really acquainted with him, I seed him though in the spring of '66.
 Q Where? A. Port Gibson.
 Q You were ther-at the time? A. Yes sir, I was residing there.
 Q What was Harry Daniels doing there? A. Came there to visit his brother.
 Q Who was his brother? A. Ransom.
 Q You knew his brother? A. Yes sir, we was together in the same regi-
 ment during the war.
 Q Was Ransom Daniels, his brother, on the roll of 1864? A. Yes sir.

By Mr. Mellette to the Commission-

" We would like to have the roll of 1880 examined and see if Ransom Daniels, the alleged brother of this applicant's father is identified thereon. "

By Mr. Hastings;

" Comes now the representatives of the Cherokee Nation and protest against the encumbering of the record or the confusion of the same by the enrollment of from the 1880 authenticated roll of Ransom Daniels, because it does not prove or tend to prove who Harry Daniels, the father of the applicant, was belonged to at the beginning of the war, or when Harry Daniels returned to the Cherokee Nation after the war "

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's uncle identified thereon as follows Page 26 No. 266, Ransom Daniels, Geoweescoowee district.

By Hastings-

- Q You didn't know him before the war? A. No sir.
 Q Were you at Fort Gibson in '66? A. Yes sir.
 Q Was he there? A. Yes sir come there to visit his father
 Q Who came there to visit his father? A. His brother.
 Q Did he have a wife with him? A. I didn't see any.
 Q Did he have any family with him? A. No sir.
 Q How many times did you see him? A. I saw him at different times with his brother.
 Q How long did you see him there? A. I don't know how long, ~~that~~ they came there to the shop where we and my step father was working.
 Q What was you working at? A. Blacksmithing, tried to, but it was too hot and too hard and I quit.
 Q When was that summer? A. In '66.
 Q What time of the year? A. Spring.
 Q Did you see him any after that spring? A. Didn't see him any more for a long time, seed him next up in this country here.
 Q How long? A. I don't know how long.
 Q Was it a number of years after? A. Yes sir.
 Q You never did see this boy here? A. No sir, not until I came up here to Vinita.
 Q I though you said a while ago that you didn't know this boy? A. I don't know him.

By Mellette-

- Q When you saw this Harry Daniels in this country up here, was it the same one that you saw at Fort Gibson? A. Yes sir, same one I seed with his brother.
 Q Was this boy here claimed by him as his son? A. I don't know

By the Commission:

- Q You didn't work at the blacksmith trade very long did you? A. No sir it was too hard and too hot and I found something easier to do.

~~John [unclear] called and served as a witness, testified as follows:~~

for the applicant—

By Mr. Mellette—

- Q What is your name? A. John Landrum.
Q Where do you live? A. On Lightning creek.
Q How old are you? A. I am 59.
Q Are you a freedman citizen of the Cherokee Nation? A. Yes sir.
Q Is your name on the roll of 1880? A. Yes sir.
Q Do you know this applicant, Ransom Daniels? A. Yes sir.
Q Who was his father? A. Harry Daniels.
Q Who was his mother? A. I didn't know her.
Q How long have you know his father Harry Daniels? A. I knowed him before the war.
Q To whom did he belong then? A. Jim Daniels.
Q Where did they live at that time? A. This side of Baticos Prairie, near Mayesville.
Q How far did you live from them? A. About 10 miles.
Q Where did he go during the war? A. I don't know where they went, they carried him south I guess.
Q When? A. Before the war.
Q How long before the war? A. Several years, 3 or 4 years.
Q Where did they go to? A. I don't know.
Q Did you see him here again after the war? A. Yes sir.
Q When did you first see him after the war? A. '67.
Q Where? A. On Lightning creek—oh I remember, Salt creek, salt creek that is where I saw him.
Q Is salt creek close to Lightning creek? A. Yes sir.
Q How long did you know him after that? A. He didn't stay there a great while, he went back.
Q Where to? A. Fort Gibson is where he said he was going back to.
Q Where did he live at the time of his death? A. Salt creek.
Q How long did he live there before he died? A. I don't know exactly, quite a while, from the time he moved his family there.
Q How many children did he have? A. When he came there he had four.
Q Was this one? A. Yes sir.
Q Do you know his wife's name? A. No sir.
Q Did you ever see her? A. No sir.
Q Who was his wife when you ~~first~~ knew him? A. Didn't have any wife, he was just a little boy when they carried him away before the war.
Q I mean when he died? A. He was a single man then.
Q You said you knew him just before his death? A. Yes sir.
Q Where was he living then? A. On Salt creek.
Q Who was he living with at that time? A. With his brother Ransom.
Q Where were these children then? A. With him there.
Q Who were the children? A. This is one of them, the other is a girl, a young woman, her name is .
Q Where is she now? A. Up there on Lightning creek.
Q Do you know the names of the other two boys? A. I know one of them.
Q What is his name? A. Joe.
Q You don't know who the other children were? A. No sir, Marguerite was one of them.
Q How of them are married are they? A. Marguerite is.
Q Who is she married to? A. George.
Q George's? A. Bell.

By [unclear]

- Q When you first saw Harry Daniels on Salt creek this boy here was born was he? A. Yes sir., he had him with him.
Q That was the first time that you ever saw him from 66? A. Yes sir.
Q Was this boy then a child? A. Yes sir a good big boy.
Q Do you know Martin Thompson at Goodies Bluffs do when you saw this boys father go there? X A I think he was up there.
Q Did you see Cal Goker up there? A. Yes sir.
Q And this boys father belonged to Jim Daniels before the war? A. Yes sir.
Q They left here some years before the war? A. Yes sir. ,3 or 4 years before.
Q The father was taken away some 3 or 4 years before the war was he? A Yes sir.
Q But you dont know where to? A. No sir.
Q And you never saw him again until you saw him on salt creek? A. No sir.

By Hastings;

- Q How far do you live from Salt creek? A. 4 miles.

HARRY STILL, called and sworn as a witness for the applicant, testified as follows-

By Mallette-

- Q What is your name? A. Harry Still.
Q Where do you live? A. On Lightning creek.
Q How old are you? A. 54.
Q Do you know this applicant? A. Yes sir.
Q Did you know his father? A. Yes sir.
Q Who was he? A. Harry Daniels.
Q When did you first see Harry Daniels after the war? A. In '47.
Q Where? A. At Russen Daniels.
Q Who was he? A. They were brothers.
Q Where did you see him then? A. On salt creek.
Q Was Harry Daniels married at that time? A. I dont know sir.
Q Did you know this applicants mother? A. He sir, I knowed the children, I went up and got the children and him.
Q Where did you go for them? A. Geoby Beans on Pump Mill Branch.
Q Was that there for them did you? A. Yes sir they was all little children and had no mother then and I moved them there on salt creek.
Q They was all born then? A. Yes sir, all born, Joe, Sam, Marguerite and this one—the first time I good Harry was in '47, instead of '47, I went up to his brother Russen Daniels and he said that he would be home his brother Henry, and he let me have a team and I found them down at Geoby Beans, and I found Henry there with four children that he had with him, I dont know were they were born or what their names was.
Q What is his brother now? A. They are both dead, Russen and Henry are both dead.

By [unclear]

Q This boy was born at the time? A. Yes sir.

Mallette

Q The first time you saw this boys father was at Osby Beane? A. No sir since I come to think of it, I seed him once before at his brother Ransom's before that alone.

By Hastings-

Q How many years intervened from the time you first saw Harry at his brothers until you moved him and these children? A. 7, 8 or 10 years. I dont know.

By Com'r Needles,-

Ransom Daniels applies for himself, his sister Maggie, 30 years of age, his brother Joe, 18 years of age and his brother Harry 17 years of age. Said Ransom Daniels is not identified on the authenticated roll of 1880; heard his sister Maggie are identified on the Wallace roll. They are all identified on the Kern Clifton roll. He avers and proves that they are the children of Harry Daniels a slave. He avers that their mother was named Caroline. The father and mother are both dead. The brothers and sister for whom he applies are both living. No proof as to the citizenship of the mother of Harry Daniels, the father of the applicants, is presented, neither is there any proof as to the marriage of the said Harry and Caroline Daniels. Proof is presented that Harry Daniels was the slave of a Cherokee citizen. They are all identified and make satisfactory proof as to residence, consequently the said applicant, Ransom Daniels, his sister Maggie and his two brothers Joe and Harry Daniels will be listed for enrollment as Cherokee freedmen on a doubtful card, and they will be notified as to the final decision of the Commission, by mail.

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Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full, all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 3d day of July, 1901 at Nowata, I. T.

Ransom Daniels
[Signature]
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 26, 1901.

In the matter of the application of Ransome Daniels for enrollment as a Cherokee Freedman.

Supplemental testimony.

Appearances:

Mellette & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

Peter Williams, being duly sworn and examined before Commissioner Needles, testified as follows:

Mr. Smith: What is your name? A Peter Williams.

Q How old are you? A I can't tell you.

Q About 100? A About 80, maybe older than that; I can't tell you.

Q Do you know Ransome Daniels? A Yes, sir, I have seen him.

Q Did you know his father, Harry Daniels? A Yes, sir; Harry, I didn't know his father.

Q Do you know this man Bell sits over here by you? A I have seen him a time or two at my shop.

Q Do you know his wife? A No, sir, I don't know his wife.

Q Well, do you know when Harry Daniels came back to the Cherokee Nation? A That is when I saw him.

Q Where did you see him? A At Fort Gibson.

Q Did you know him before the war? A No, I didn't know him before the war.

Q Don't know who he belonged to? A No, sir, only I saw him he was in pursuit of his brother; he came by my shop, in there, and knocked around there a few days, he was around hunting for him, I knew who it was.

Mr. Hastings: Did you ever see him after that? A No, sir, I didn't, he passed away; you see my work kept my close attention.

Q You never saw him before or never saw him since? A No, sir, not until now.

Q You see him now? A Yes, sir.

Q When did you see him? A Been since this court has been sitting.

Q Since we were at Chelsea? A Yes, sir.

Q That was Harry Daniels? A Yes, that is where I saw him.

Q At Chelsea? A Yes, sir.

Q Two or three weeks ago? A Yes, sir.

Q And you never saw him from that time up until this? A No, sir, I never paid no attention, my work generally claimed attention for me.

Q Were you running a blacksmith shop? A Yes, sir.

Q When did you commence running it? A A number of years before the war.

Q Uncle Peter, what year is this? A Well, I can't tell you.

Q What year was it that the Kern-Clifton Commission sat? A I never noticed that.

Q What year was it the Wallace Court sat? A Neither did I notice that.

Q You don't know much about dates, do you? A No, sir.

Q Was that man Harry Daniels married at that time? A I don't know, whether he was or not, I just saw him pass there and he stopped there and looked at me working and would go on.

Q Now you recognized that Harry Daniels over here the other day when you saw him at Chelsea? A Yes, sir.

Q That was this last two or three weeks ago when we were over there? A I don't know how long ago, but I recognized him when I saw him.

Q It was when this same Commission was sitting over there?

Ransome Daniels - 3.

A Yes, sir, this same Commission.

Mr. Smith: Who are you talking about seeing over there at Chelsea?

A That man, Harry Daniels, this man that I am witnessing for.

Q Is he here to-day? A I don't know whether he is here to-day or not.

Q You are talking about Ransome, aren't you? A Yes, sir.

Q We are talking about Harry. A Harry is the man.

Q That is his father? A Yes, sir.

Q Well he is dead? A I guess he is dead.

Q Been dead a good while? A I guess he is dead, I haven't seen him for ~~many years~~ quite a while.

Q When you were talking about seeing Daniels at Chelsea, you were talking about Ransome? A Ransome.

Q Do you know when Harry died? A No, sir, I don't, I can't tell you that.

Mr. Hastings: Did you see Ransome at Fort Gibson in '66? A It was in '66 when he passed through there, and I saw him.

Q What was Ransome? A Yes, I reckon he was the man.

Burrell Daniels, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: What is your name? A Burrell Daniels.

Q Do you know Harry Daniels, did you know him in his life time?

A I knew Harry Daniels, belonged to the same man that I belonged to, he belonged to that man's brother, Jim Daniels; I belonged to Bob Daniels and he belonged to Jim.

Q Was Jim Daniels a Cherokee Indian? A Yes, sir.

Q Do you know Ransome Daniels? A Yes, sir.

Q What kin is he to Harry? A Brother of Harry Daniels.

Q Now what Daniels were they that belonged to this man that you are speaking of, there was Harry and who else? A Harry and Ransome.

Q You say that Ransome and Harry were what kin? A Brothers.

Q Which Ransome? A Ransome Daniels.

Q Is there more than one Ransome Daniels? A I don't know but one.

Q How old a man was he? A Well, he wasn't quite as old a man as I am, he is older than Harry.

Q Do you know whether Harry had a son named Ransome or not?

Q No, sir, I don't know.

Q You don't know a young man named Ransome Daniels? A No, sir, I don't know Ransome; the last time I saw Ransome was while the war was going on, he was a young man.

Q He was older than Harry? A Ransome; he was older than Harry.

Commissioner: Was Ransome Daniels a slave? A Yes, sir, a slave of the same people.

Q You knew Harry Daniels? A Yes, sir.

Q Was he a slave? A Yes, sir.

Q Who did he belong to? A Jim Daniels; first belonged to the old lady.

Q You know where he went during the war? A When I left him, I left him here when I went off.

Q What year? A The last time I saw him was when Watie and Cooper's outfit was here.

Q That was during the war? A Yes, sir.

Q You don't know whether he went away or not? A No, sir.

Q You didn't know his wife Adaline? A No, sir, I didn't know his wife.

Mr. Hastings: Where was Harry Daniels living when the war came on? A Living about seven or eight miles this side of Kayville, at old Mary Daniels, the woman that raised him.

Ransome Daniels - 8.

Q With Jim Daniels? A Yes, sir.
Q You know that of your own personal knowledge? A Yes, that is where they were living when I last saw them.
Q How long was that before the war? A How long before the war?
Q Yes, that you actually saw them yourself? A I saw him while the war was going on.
Q At Jim Daniels? A Saw him at Jim Daniels.
Q Was Jim Daniels there at that time? A He was there at that time.
Q Living? A Yes, sir.
Q Did Jim Daniels have a wife and family? A Had no wife, his wife died before the war.
Q That Jim Daniels was there living himself the last time you saw Harry before the war, and that was just after the war had started up?
A Yes, sir, after the war started up I saw him.
Q And about seven miles from Maysville on this side of the line in the Cherokee Nation? A Yes, sir, on Beattie's Creek.
Commissioner: That was during the war, was it? A Yes, sir, I saw him there during the war.

Jesse Rowe, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: State your name? A Jesse Rowe.
Q How old are you? A About 55; I don't know just exactly how old I am.
Q Did you ever know a man named Harry Daniels? A Yes, sir, I have known him.
Q Do you know his son Ransome? A Yes, sir, I have been acquainted with him.
Q When did you first know Harry Daniels? A I got acquainted with him since the war, somewhere about '88 or '90, I disremember.
Mr. Hastings: Who was that, Harry? A Yes, sir, Harry.
Commissioner: Father of Ransome? A Yes, sir.
Mr. Smith: Do you know when Harry Daniels came back to the Cherokee Nation after the war? A No, sir.
Q Do you know who he belonged to? A No, sir, I don't.
Commissioner: Did you know Adaline, Harry's wife? A Yes, sir.
Q Who was she? A Before she married Harry, she was a Green.
Q Was she a slave? A Yes, sir.
Q Do you know whether Harry and Adaline were ever married? A Yes, sir, they were married.
Q How do you know that? A I saw them when they got married.
Q When was that? A Along in seventy some time, to my best recollection.
Q They lived together until the death of Harry Daniels, do you know?
A I know they did some, I don't know that to be a fact.
Q And Adaline she is dead also? A Yes, sir.
Q Do you know their children? A I have got acquainted with them since I came to this country, I don't know them long back, all the long years ago.
Q That after you said you saw them married? A Yes, sir, I saw them married, but not the children, I knew the wife a long time before she married.
Q But do you know what children Harry and Adaline had? A No, sir I don't.
Q You know Harry Daniels and Adaline were married? A Yes, sir.
Mr. Hastings: Where were they married? A Texas.

Ransome Daniels - 4.

- Q What county? A Smith county, to my best recollection.
- Q Was she state raised? A I suppose she was, she was raised in Louisiana I think.
- Q You knew Harry Daniels? A Yes, sir.
- Q How long did you know him before he was married? A Not a great while.
- Q About how many years? A Well, I don't recollect just how many years.
- Q Three or four? A I don't think it was.
- Q Your best judgment? A He came out there in time of the war in Texas and I don't think I saw him until about '70.
- Q About what year do you think he was married? A Along somewhere about that time I got acquainted with him, when he was married.
- Q How long did you know him after he was married there in Texas?
- A You mean to say how long I saw him, or something of that kind?
- Q Yes? A I can't tell you just how long then, he left me, we were scattered about there, I don't remember.
- Q Do you know where Ransome was born? A No, sir.
- Q Know where any of his children were born? A No, sir.
- Q About how long did you see him in Texas altogether either before or after he was married? A I can't give any definite answer to that, I might have seen him two months or six months or something of that kind, we were strangers to each other, when I met him it was down to meetings and I never paid any attention to him or his whereabouts etc.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and moves the Commission to require the applicant to furnish documental proof of the marriage, inasmuch as it now develops that they were married in the State of Texas, where a record of the same was made, which is the best testimony.

Commissioner: I think that was the order when Ransome was here: that is my recollection.

Commissioner: This will be filed in the case of Ransome Daniels, D-818.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 9th of July, 1901.

[Signature]

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 23d, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Ransom Daniels, et al., as Cherokee Freedmen, introduced on behalf of the Cherokee Nation:

APPEARANCES:

Mr. Smith of Counsel for applicants;
Mr. Davenport, of Counsel for Cherokee Nation.

SARAH MUNDIS, being duly sworn by Commissioner Breckinridge testified as follows on part of the Cherokee Nation:

MR. DAVENPORT: What is your name? A Sarah Mundis.

Q Where do you live, Mrs. Mundis? A On Salt creek.

Q What is your post office? A Coody's bluff.

Q How old are you? A 29.

Q How long have you lived on Salt creek? A All my life.

Q That is in the Cherokee Nation is it? A Yes, sir.

Q Do you know the applicant here, Ransom Daniels? A Yes, sir.

Q He is what is known as young Ransom Daniels? A Yes, sir.

Q Did you know the old gentleman of the name of Ransom Daniels?

A Yes, sir.

Q Is he dead or alive? A He is dead.

Q Did you ever know a man out there by the name of Harry Daniels who was the father of this applicant, Ransom Daniels? A Yes, sir.

Q Did you ever work for the old man Ransom Daniels? A Yes, sir.

Q About how long ago was that? A That has been about 12 years I guess.

Q While you was working for him did you have any conversation with him with reference to his brother, Harry Daniels? A Yes, sir.

Q Did you write any letters for him to his brother? A Yes, sir.

Q Where were these letters sent?

Mr. Smith: I object to that; the letters themselves would be the best evidence.

Q After you had written the letters did you keep them in your possession or were they mailed out? A They were mailed out.

Q To what country were the letters mailed?

Mr. Smith: I object because the testimony of the witness would not be the best evidence and the means for obtaining the best evidence in the case has not been exhausted, and has not been attempted to be exhausted.

Commissioner: Note the objection and let the examination go on so the Commission can deny or accept the evidence as it likes.

Q To whom were the letters addressed? A Harry Daniels.

Q What state or country were they addressed? A Texas.

Q Did you have any conversation with the old gentleman when you were writing these letter, or what did he request you to do in the letters?

Mr. Smith: I object to that, if the Court please, because it is not competent.

Q Go ahead, Mrs. Mundis, and state what was said in the letters? A Well, just simply told me to tell his brother to come to this country and see to the rights; that the Wallace Court was going on in Vinita and that he must come at once.

Q Had you, before these letters were written, seen Harry Daniels, the brother of old man Ransom? A No, sir.

Q Well, did you afterwards see him? A Yes, sir.

Q How long afterwards? A Oh, it was a year, about a year after I wrote the letter I seen him.

Q Where did you see him? A I seen him on Salt creek, right there where I live at old man Ransom Daniels'.

- Q Did he afterwards move his family out there or any part of it?
A Yes, sir
Q How many children did he bring up here with him, do you know?
A He brought four.
Q What were there names? A Margaret, Maggie, Ransom and Joe.
Q Do you know which were the elder of the children? A Margaret was the oldest.
Q Who was next? A Ransom I guess.
Q Well, now where did they live when they first came on Salt creek?
A At old man Ransom Daniel's.
Q How far was that from where you lived? A About a mile and a quarter.
Q About how long did they live up there before old man, Harry Daniels died, the father of these children? A Oh, about nine years maybe, or more.
Q Well, do you know whether or not they ever brought a child up there by the name of Harry, a brother to them? A No, sir.
Q Did you have any conversation with them as to whether or not they had such a brother? A I heard them say they left a brother in Texas.

Mr. Smith: I object to that because it is not shown in the record as to who the witness is talking about; she was asked the question if you heard any of them say and she is saying she heard them.

- Q Did you ever hear Ransom Daniels, Margaret, Maggie, or Joe, or either their father Harry say anything about a child of the father by the name of Harry, and a brother to the parties named being here with them? A Why I have heard Margaret, the oldest girl, say she had a little brother left back in Texas.
Q Well, have you ever seen this Harry around this place there?
A No, sir.
Q You have lived about a mile of them you say? A Yes, sir, I have lived there all my life.
MR. SMITH: How old are you? A 29.
Q What race do you belong to? A Belong to the colored race.
Q Are you a Freedman citizen? A Yes, sir.
Q Are you an acknowledged Freedman citizen? A Yes, sir.
Q Are you on the 1880 roll? A Yes, sir.
Q How old are you you say? A 29.
Q How long have you lived in the country you now live? A 29 years
Q Who was your mother? A Sarah Whitmire.
Q Who was your father? A Aaron Whitmire.
Q Who is your husband? A J. C. Mundie.
Q When did you write this letter you are talking about?
A 1889.
Q What month? A October.
Q On what day? A I don't know that.
Q October, '89? A Yes, sir.
Q Where were you living then? A I was living at my father's on Salt creek.
Q Where was Ransom Daniels living? A Oh, just lived a mile and a quarter below my father, south.
Q How many letters did you write for him? A Just one.
Q Did he come to your house or did you go to his house?
A I was at his house.
Q What were you doing there? A I was cooking a little.
Q How long had you been cooking a little? A I just cooked three weeks.
Q Were you married then? A No, sir.
Q When were you married? A I married in '94.
Q Had you ever been married but once? A That is all.

- Q It was in October, '89, you say that you wrote these letters?
A Yes, sir.
Q How do you know that? A Because I recollect it.
Q You just remember it? A Yes, sir.
Q And you wrote the one letter? A Yes, sir.
Q If you write one letter for one person can you remember for ten years, 15 years, just exactly the month it was in? A Yes, sir.
Q You think you wrote a letter for anybody to-day you would remember 15 years from now? A Yes, sir, just one.
Q You are pretty good on dates are you? A I don't know about that; I remember that all right now.
Q In the month of October? A Yes, sir.
Q 1889? A Yes, sir.
Q Is it impossible to be mistaken about that? A No, sir.
Q There is nothing at all to fix that in your memory except that you just wrote this one letter for him? A That is all I wrote.
Q Well, Ransom Daniels is dead now is he? A Yes, sir; the old man is.
Q Harry is too? A Yes, sir.
Q The man you wrote the letter for is dead? A Yes, sir.
Q The man you wrote the letter to is dead? A Yes, sir.
Q Anybody ever see that letter? A No, sir.
Q How far did you live from this applicant? A I live about two miles now; I have moved from my father's
Q You and your father's husband live about two miles from them?
A Yes, sir.
Q Ransom got a pretty good place there? A Yes, sir.
Q Have you and your husband been trying to get that?
A No, sir.
Q Now, isn't it a fact that you are trying to see him loose his citizenship for you and your husband to get that place? A No, sir, not a bit of it.
Q That is not true? A I wouldn't have it.
Q Nobody in the world knows anything about that letter except you?
A Nobody only what they have heard me say; the old man could not read or write then.
MR. DAVENPORT: You don't know what Harry did with it?
A No, sir.
Q The only thing you know you wrote the letter? A Yes, sir.
Q And after that Harry came to this country? A Yes, sir.
MR. SMITH: Do you know how long Harry Daniels lived in the Cherokee Nation? A I guess--
Q I don't want you to guess? A Nine years, he has been dead about three years.
Q He never did live here until he came up that time? A I never did see him here
Q He never lived in your neighborhood or country? A No, sir.
Q He never lived anywhere on Salt creek? A He bought him a place after he came here.
Q After the Wallace court? A After he came to his brothers after 1889, it has been that long since he bought his place.
Q Did he live there on Salt creek or Lightning creek until after 1889? A I never seen him.
Q Well, now, if he had been living before the time you speak about on Salt Creek or on Lightning creek in there, one of these communities there with colored people, you think you would have seen him?
A I think I would.
Q Well, was he there or not? A He was not there until '89, after that.

M. DANIELS, being duly sworn by Commissioner Breckinridge, testified as follows on part of the Cherokee Nation:

- MR. DAVENPORT: What is your name? A M. Daniels.
Q Where do you live? A Vinita.
Q How old are you? A 57 years old.

Q Where were you raised? A I was raised near Mayesville in the Cherokee Nation; Mayesville is on the state line.

Q Did you know Ransom Daniels, an old man, and Harry Daniels?

A Yes, sir.

Q How long have you known them? A I have known them ever since I could remember, up until three or four years before the war.

Q Where was Harry when the war broke out, do you know?

A I don't know where he was.

Q Was he at what was known as Jim Daniels place on Beaty's prairie?

A No, sir.

Q Did you know what became of him? A No, sir, I don't know no more than what was the talk of the family there, my father's folks, they claimed Jim had sold -

Mr. Smith: If the court please, the applicant objects to the evidence, or answer of the witness just given for the reason that it appears to be hearsay, and not within any rule in regard to the admission of hearsay testimony.

Q Is Jim Daniels living now? A No, sir.

Q Is your father living? A No, sir.

Q Well, did you leave the country during the war? A I left there during the war, left there the fall of '62, 1862.

Q When did you get back? A I came back the fall of '66.

Q What part did you locate after you came back? A I first came to the old neighborhood of Beaty's prairie where I was raised and stayed there a while and I located on this river south of town here, I located here in '67.

Q When did you first see old man Ransom Daniels after the war?

A I saw him about 20 years ago I guess the first time I ever seen him, somewhere about '50 or '51.

Q Where did he say he was living? A He said he was living out here on Galt creek or Lightning creek.

Q You knew him pretty well from that time on? A Yes, sir.

Q Were you ever at his house? A No, sir.

Q When did you see Harry Daniels after the war, if at all? A

A I saw him about 1892 or '93, was the first time I saw him after the war.

Q Where did you see him? A Here in Vinita.

Q Did you have any conversation with him? A I had some talk with him.

Q Anything about as to where he had been living? A No, sir.

Q Did he tell you where he was living at that time? A He said he was out at his brother's, out at old Rance's.

Q The first time you saw him was the early part of the 90s?

A Yes, sir.

MR. SMITH: How many slaves did your family have? A There was five slaves there on the place.

Q Did your father and uncle live on the same place?

A No, sir, they were about a mile apart.

Q How many did your father have? A He had none.

Commissioner: Copies of this testimony will be filed in Cherokee Freedman case D-312, entitled Ransom Daniels, et al, and also in Cherokee Freedman case doubtful #374.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this October 31st, 1901.



Commissioner.

Handwritten notes and signatures at the top of the page, including a large signature that appears to be "W. J. ...".

... and ... to ... in ... of ...

(Handwritten notes or signatures in the middle section of the page.)

... the ... of ... and ...

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 23, 1902.

In the matter of the application of Ransom Daniels for the enrollment of himself, brothers and sisters as Cherokee Freedmen.

SUPPLEMENTAL TO D-612.

Applicants represented by Mellette & Smith.
Cherokee Nation represented by W. W. Hastings.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's attorneys, Mellette & Smith, Vinita, Indian Territory, that it would, on the 23rd day of May, 1902, at the office of the Commission at Muskogee, Indian Territory, introduce testimony tending to disprove the right of the said Ransom Daniels et al to enrollment as Cherokee freedmen. The applicant and his attorneys fail to appear.

WEEKIEL BECK, being first duly sworn, testified as follows:

- MR. HASTINGS: What is your name? A Weekiel Beck.
- Q What's your age, Mr. Beck? A 63.
- Q Are you a Cherokee citizen by blood? A Yes, sir.
- Q What's your postoffice? A Kansas, Indian Territory, Delaware District.
- Q Where did you live before the war? A I lived in the neighborhood of Kansas, Beattie's Prairie.
- Q In Delaware District? A Yes, sir, Delaware District.
- Q Cherokee Nation? A Yes, sir.
- Q Did you know a Cherokee who lived near Beattie's prairie by the name of James Daniels? A Yes, sir.
- Q Was he any relation to you? A Yes, sir.
- Q How long did you know him before the war? A Before the war, well I have known him ever since I can remember.
- Q Was he lame? A Yes, sir, he was a lame fellow.
- Q You knew him a number of years before the war? A Yes, sir.
- Q Where was he living say for four or five years before the war? A He was living with my father.
- Q With your father? A Yes, sir, and me together.
- Q And you together? Yes, sir, he made each place his home.
- Q You knew him very well then? A Yes, sir.
- Q You knew his business transactions at that time? A His business?
- Q Yes, sir. A He didn't have no business much.
- Q Didn't? A No, sir.
- Q Well I will ask you if he had any slaves at that time? A No, sir.
- Q Did he have any slaves before the war came up? A No.
- Q Did he have any slaves freed, that were his while they were belonging to him? A He had one old gentleman.
- Q At the time the slaves were freed did he have any? A Oh, no, he had nary one then.
- Q Now you can tell anything you want to about that old gentleman.
- A After the old man Daniels' wife died he had an old darkey who was willed to him from his father, and he give him his freedom.
- Q How long was that before the war? A Oh, that was ten or fifteen years before the war.
- Q Ten or fifteen years? A Yes, sir.
- Q Did he have any colored people when the war came up? A No, sir.
- Q You are positive of that? A Well, yes, sir, I am positive of that.
- Q Did he have a colored man by the name of Harry when the war came

WY? A No, sir.

Q You say Jim Landrum was making his home with you and your father?

A I knew Jim Daniels.

COMMISSION: You say he didn't own any slaves at all at the outbreak of the war, did he? A No, sir.

Q How long before the war was it before this old colored man was liberated? A Before the war?

Q Yes, sir. Q Must have been ten or twelve years before the war.

Q What was that old man's name? A Ben.

Q Ben Daniels? A Yes, sir.

Q Was this James Daniels a citizen of the Cherokee Nation? A Yes, sir.

Q How was he related to you? A His mother and my grandmother were sisters.

MR. MARTINE: Did he have any property at all at that time, Jim Daniels? A None at all whatever.

COMMISSION: How old a man was he? A Well now he was some older than I was, and I am 66. I am in my 67th year now.

MR. MARTINE: How old was this old colored man before the war that you speak of, that you give his freedom, before the war, at the time he gave him his freedom? A Must have been 70 or 75, he was nearly helpless.

Q Nearly helpless? A Yes, sir.

Q Was this James Landrum married at the outbreak of the war? A James Daniels?

Q James Daniels? A No, sir, he was a single man.

Q Was he ever married? A Yes, sir.

Q Before or after the war? A Way before the war.

His wife had died before the war? A His wife had died, had no heirs.

COMMISSION: This testimony will be filed in the case of Margaret Bell et al, D-674, represented by Mellette & Smith.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Arthur G. Croninger

subscribed and sworn to before me this 2nd day of July, 1902.

Handwritten signature

Handwritten signature
Notary Public.

Freed D 380

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment
as a Cherokee Freedman:

Applicant appears by Mellette A. Smith, Cherokee Nation. By
W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified
copy of the decree of the Court of Claims in the case of
Hosah Whitmire, Trustee for the Freedman, vs The Cherokee Nation,
No. 2285, filed in the Mariah Hayden case "D 493, a part of the
record in this case and the cases hereinafter mentioned by refer-
ence to the said case of the said Mariah Hayden, and if it be deemed
necessary that a copy of the said decree be filed in this case and
in the following cases, to-wit:

Barren Daniels, D 512;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the intro-
duction of the decree because, First: It does not tend to show
that the applicant was a slave of the Cherokee Nation at the
beginning of the war, nor that he returned within the time specified
in the treaty of 1866, or that he had been a continuous resident of
the Cherokee Nation since that time, or that he is a descendant of
such a person. Second: Because the same is incompetent, irrele-
vant and immaterial, and does not tend to prove an issue in this
case. Third: Because the Commission will take judicial knowledge
of all laws, treaties and decrees necessary for the determination
of the right of any person who makes application for citizenship.
Fourth: The Cherokee Nation objects to the filing of a certified
copy of this decree in the case of an applicant unless the same
is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be
entertained and the decree of the Court of Claims filed in the case
of Mariah Hayden will be made a part of the record by reference in
all the cases above named with the exception of those which come
within the provisions of the temporary injunction recently granted
by Judge Gill of the United States Court, of the Northern District,
Indian Territory.

By Mr. Smith:

The applicant further moves that as to the above named
cases including the Mariah Hayden case that counsel for the appli-
cants be allowed within thirty days to file any of the proof of any
or all of the records other than the decrees already referred to

~~In the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.~~

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make but their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rotherberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

1000

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Ransom Daniels et al. as Cherokee Freedmen, consolidating the
applications of

Ransom Daniels et al.....Cherokee Freedmen D 812
Margaret Bell et al.....Cherokee Freedmen D 874

D E C I S I O N .

The record herein shows that applications for enrollment,
as Cherokee Freedmen, were made to this Commission by Ransom Daniels,
for himself and minor brothers and sister, Harry, Maggie and Joseph
Daniels; and by Margaret Bell, for herself and minor children,
Beatrice, Ord O., George D. and Beulah Bell.

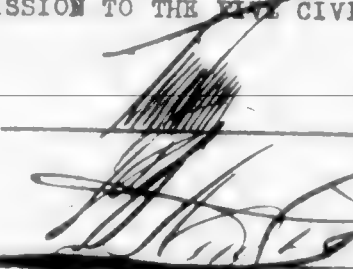
The evidence shows that all of the applicants herein have
been born since 1867 and are descendants of and claim right to en-
rollment through one Harry Daniels.

The evidence further shows that the said Harry Daniels was
the slave of a Cherokee citizen at the commencement of the rebellion;
that during said rebellion he left the Cherokee Nation and did not
return thereto within the time specified, in the decree of the Court
of Claims rendered February 3, 1896, in the case of Moses Whitmire,
trustee, etc., vs. The Cherokee Nation, et al., for the return of
freedmen to said Nation.

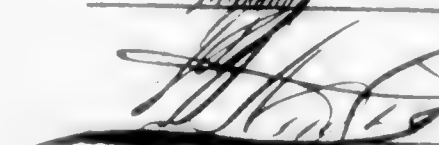
None of the applicants herein are identified on the 1880
authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the
application for the enrollment of Ransom Daniels, Harry Daniels,
Maggie Daniels, Joseph Daniels, Margaret Bell, Beatrice Bell, Ord
O. Bell, George D. Bell and Beulah Bell, as Cherokee Freedmen, should
be denied under the provisions of Section Twenty-one of the Act of
Congress approved June 28, 1898 (30 Stats., 495), and it is so
ordered.

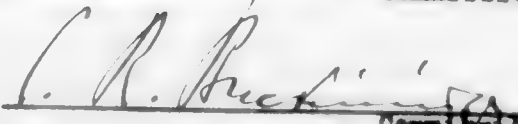
COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory,

this DEC 12 1904

Commissioner.

20

10812

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 20 1901

 ACTING CHAIRMAN

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, AUG 26 1901, 1901.

Received of the Commission to the Five Civilized
Tribes one copy of the testimony in the matter of the
application of Ransom L. Smith et al for en-
rollment as Cherokee Freedmen.

Cher Cherokee Freedmen # NB 17

Walter S. Smith
Att'y for applicants.

720 812

D.

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 190.....

Given under my hand this.....
day of..... A. D. 190.....

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the

..... day of **SEP 23 1901**, 190.....
Melchior & Smith

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 190.....

Subscribed and sworn to before me
this

Notary Public
**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

FILED
SEP 25 1901

[Signature]
ACTING CHAIRMAN

SEP 23 1901

NOTICE!

IN THE MATTER OF the application of Ransom Daniels
for enrollment as Cherokee citizens:

Case No. D 812

To Ransom Daniels or Mellette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 23d 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 21 1901

L B Bell
M. W. Hastings
Attorneys for the Cherokee Nation.

F. D. 812

ay

812

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 190

Given under my hand this
day of A. D. 190

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the

..... day of 2-11 190.....
W. L. Smith
Attorney for applicant.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 15 1902



UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 190.....

Subscribed and sworn to before me
this

.....
Notary Public.

NOTICE!

IN THE MATTER OF the application of Ransom Daniels
for enrollment as Cherokee Freedmen:

Case No. F. D. 612

To Ransom Daniels *Willetts & Daniels*

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on February 24th, 1902., at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 8th day of February, 1902.

L B Bell

W. W. Hastings
Jess Davenport
Attorneys for the Cherokee Nation.

F. D. *812*

AT

820812

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the

..... day of A. D. 190.....

Given under my hand this
day of A. D. 190.....

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

day of *3-1* 190.....

William Smith

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A. D. 190.....

Subscribed and sworn to before me
this

.....
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAR 3 1902

MAR 3 1902

[Handwritten signature]

NOTICE!

IN THE MATTER OF the application of Ransom Daniels,
for enrollment as Cherokee Freedmen:

Case No. F. D. 312

To Ransom Daniels, or Kellell & Smith, Attorneys:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of **Muskogee, I. T.** Indian Territory, on March 3rd, 1902., at 8 o'clock A. M., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Feb. 26, 1902.

L B Bell

W. W. Hastings
Jess Davenport
Attorneys for the Cherokee Nation.

F. D. 70 812

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 190.....

Given under my hand this
day of A. D. 190.....

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
23 day of May, 1902

McLellan
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 190.....

Subscribed and sworn to before me
this

.....
Notary Public.

LETTERS OF THE ATTORNEY,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAY 23 1902

[Signature]
ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Ransom Daniels,
for enrollment as Cherokee Freedmen: 112. 7. D.
Case No. F. D.

To Ransom Daniels or Mellette & Smith Attorneys

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on May 23rd 1902. at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this May 22nd 1902.

L B Bell

*W. W. Hastings
Jas. Davenport*

Attorneys for the Cherokee Nation.

COPY.

Cherokee Freedmen
D-612 - D-874.

Muskogee, Indian Territory, December 12, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Ransom Daniels, et al., including the Commission's decision dated December 12, 1904, rejecting the applications for the enrollment of Ransom, Harry, Maggie and Joseph Daniels, and Margaret, Beatrice, Ord O., George D. and Neulish Bell as Cherokee freedmen.

Respectfully,

(SIGNED) *James Bixby.*
Chairman.

Incl. S-83.

Through the

Commissioner of Indian Affairs.

COPY

Cherokee Freedmen
D-812.

Muskogee, Indian Territory, December 12, 1904.

Ransom Daniels,

Hayden, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 12, 1904, rejecting, among others, the application for the enrollment of yourself, your sister, Maggie Daniels, and your brothers Harry and Joseph Daniels, as Cherokee freedmen. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-79.

Register.

(SIGNED)

Tama Bixby.
Chairman.

COPY

Cherokee Freedmen
B-812-874.

Muskogee, Indian Territory, December 18, 1904.

Edgar Smith,

Attorney for Ransom Daniels, et al.,
Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 12, 1904, rejecting the applications for the enrollment of Ransom, Harry, Maggie and Joseph Daniels, and Margaret, Beatrice, Ord O., George D., and Beulah Bell as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-81.

Register.

(SIGNED) *Tams Bixby.*
Chairman.

DEPARTMENT OF THE INTERIOR,

Refer in reply
to the following:
Land.
87584-1904.

Office of Indian Affairs,

Washington, December 22, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated December 12, 1904, transmitting the record of the application for the enrollment as Cherokee Freedmen by Ransom Daniels for himself and minor brothers and sisters, Harry, Maggie and Joseph Daniels; and by Margaret Bell for herself and minor children, Beatrice, Ord O., George D. and Beulah Bell.

December 12, 1904, the Commission decided adversely to all the applicants.

The record shows that all of the applicants have been born since 1867 and are descendants of and claim right to enrollment through one Harry Bell. It is further shown that the said Harry Bell was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that during the war he left the Cherokee Nation and did not return thereto on or before February 11, 1867.

None of the applicants is identified on the 1880 authenticated Cherokee roll.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tonner

Acting Commissioner.

H.M.M.
W.

D. C. 1862-1903.
I. T. D. 12910-1904.

J.P.
EHE.

DEPARTMENT OF THE INTERIOR,

SRS.

WASHINGTON.

January 9, 1905.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

It is requested that you furnish the Department with evidence of notice of your decision of December 12, 1904, rejecting the application for the enrollment of Ransom Daniels et al, as Cherokee freedman, as such evidence does not appear with the record. If notice has not been given it should be given at once.

Respectfully,

(Signed, M. W. Miller,
Acting Secretary.

COPY.

Cherokee Freedmen
D-812-874.

Muskegee, Indian Territory, January 18, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of January 7, 1905, I. T. D. 12740-1904, there are herewith inclosed copies of the letters of the Commission, dated December 13, 1904, inclosing to Ransom Daniels, Margaret Bell, their attorney, Edgar Smith, and the Attorneys for the Cherokee Nation copies of the Commission's decision of that date rejecting the application for the enrollment of the said Ransom Daniels and Margaret Bell et al., as Cherokee Freedmen, together with return register receipt signed by the said Ransom Daniels and Margaret Bell.

Respectfully,

(SIGNED).

Tam's Dixby.
Chairman.

Encl. - 1-9.

Through the
Commissioner of Indian Affairs.

D. C. 8034-1905.
I.T.D. 12910-1904.
1236-1905,
L.RS.

Y.P.
YHR.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

February 13, 1905.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

December 12, 1904, you transmitted the record in the consolidated Cherokee freedman case of Ransom Daniels, et al. (D-812, D-874), including your decision of the same date, rejecting the applicants, Ransom, Harry, Maggie and Joseph Daniels, Margaret, Beatrice, Ord O., George D. and Beulah Bell.

Reporting in the matter December 22, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedman
D-212.

Muskogee, Indian Territory, February 24, 1905.

Ransom Daniels,

Haskell, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated December 12, 1904, rejecting, among others, the application for the enrollment of yourself, your sister, Maggie Daniels, and your brothers, Harry and Joseph Daniels, as Cherokee freedmen, was affirmed by the Secretary of the Interior on February 23, 1905.

Respectfully,

(SIGNED).

Tams Bixby.
Chairman.

COPY.

Cherokee Freedman
D-613--274.

Muskogee, Indian Territory, February 24, 1905.

Ball, Hastings & Dawsonport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision, dated December 12, 1904, rejecting the applications for the enrollment of Ransom, Harry, Maggie, and Joseph Daniels; and Margaret, Beatrice, Ord O., George D., and Beulah Bell, as Cherokee freedmen, was affirmed by the Secretary of the Interior on February 13, 1905.

Respectfully,

SIGNED. *Tame Bixby.*
Chairman.

COPY.

Cherokee Freedmen
D-612--874.

Muskogee, Indian Territory, February 24, 1905.

Edgar Smith,

Attorney for Ransom Daniels et al.,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated December 12, 1904, rejecting the applications for the enrollment of Ransom, Harry, Maggie, and Joseph Daniels; and Margaret, Beatrice, Ord O., George D., and Benjamin Bell, as Cherokee Freedmen, was affirmed by the Secretary of the Interior on February 15, 1905.

Respectfully,

(SIGNED) *Tame Dixby*
Chairman.

COPY.

Cherokee Freedman
D-812-674.

Muskogee, Indian Territory, February 24, 1905.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated December 12, 1904, rejecting the applications for the enrollment of Ransom, Harry, Maggie, and Joseph Daniels; and Margaret, Beatrice, Ord O., George D., and Beulah Bell, as Cherokee freedmen, was affirmed by the Secretary of the Interior on February 15, 1905.

Respectfully,

(SIGNED) *Tamas Bixby.*
Chairman.

Cherokee Freedmen
B-746

Muskogee, Indian Territory, May 28, 1906.

Ransome Daniels,
Hayden, Indian Territory.

Dear Sir:-

You are hereby advised that the motion filed by your attorneys September 7, 1905, for a review in your Cherokee Freedmen enrollment case, was dismissed by the Department May 2, 1906.

Respectfully,

Commissioner.

LMC

Muskogee, Indian Territory, May 28, 1906.

Blue & Bulger,

Attorneys for Eliza A. Arnold, et al.,
Vinita, Indian Territory.

Dear Sir:-

You are advised that this office is in receipt of departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions filed by you September 7, 1905 for review in the Cherokee Freedmen enrollment case of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

MMP

Muskogee, Indian Territory, May 29, 1906.

Bell, Hastings & Davenport,

Attorneys for Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:-

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions by Blue & Bulger, filed September 7, 1905, for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

LMS

10

520812

Handwritten notes and scribbles in the upper left quadrant.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JUN 28 1901

[Signature]
ACTING CHAIRMAN

Vertical handwritten notes on the left side of the page.

Handwritten notes in the upper right quadrant.

Vertical handwritten notes on the right side of the page.

Handwritten notes at the bottom right of the page.

CHEROKEE FREEDMEN.

Date JUN 22 1901
Post Office Hayden St.
District 200

1. Name Ransom Daniels Age 23
Owner's name _____ Citizenship _____
Year K.L. Page 183 No. 4492 District _____

Parents:
Father Harry Daniels - dead Citizenship _____
Mother Caroline " - dead Citizenship _____

2. Name of wife _____ Age _____
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____
Parents:
Father _____ Citizenship _____
Mother _____ Citizenship _____

Names of ~~brothers~~ Brothers:

- 2 Joseph Daniels Year K.L. Page 183 No. 4494 Dist. _____ 19
- 3 Harry " Year " Page 183 No. 4495 Dist. _____ 17
- 4 Maggie " Year Page 183 No. 4493 Dist. _____ 20
- 6 Year Page No. Dist. _____
- 7 Year Page No. Dist. _____
- 8 Year Page No. Dist. _____
- 9 Year Page No. Dist. _____
- 10 Year Page No. Dist. _____
- 11 Year Page No. Dist. _____
- 12 Year Page No. Dist. _____

Application made by No. 1 Stenographer Chas. von Wes

- 3 On K.L. roll as Harry Daniels Jr.
- 1 On Wallace roll, Page 182 * 3348 - _____
- 4 " " " " 182 * 3349 - Maggie L. Daniels

Represented by Mellette and Smith,

Cher. Fr. R. 747

Trans. from C. Fr. D. 816

Cher. Fr. R. 747

DOUBTFUL, as to wife, Neoma.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 22d, 1901.

In the matter of the application of Lewis Armstead Nave for the enrollment of himself as a Cherokee Freedman and for the enrollment of his wife as a Cherokee freedman by Intermarriage; said Nave being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Lewis Armstead Nave.
Q How old are you? A Well, I expect I am about 36.
Q What is your post office? A Loupash.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A My wife.
Q What is her name? A Neoma.
Q How old is she? A She is about 79.
Q Have you got any children? A No, sir.
Q Is your name on the roll of 1880? A Yes, sir.
Q Your wife's name there too? A No, sir, she is a state woman.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page #52, #108, Louis Armstead, Cooweescoowee.

The 1896 census Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 395, #29, Louis Armstead, Cooweescoowee District.

- Q You say your wife, Neoma, is a state woman? A Yes, sir.
Q When were you married to her? A '90, this August 14th, 1890.
Q Were you ever married before? A Yes, sir, I had been married before that.
Q Was your first wife living when you married Neoma? A Yes, sir, but I got a divorce; I give her a divorce and she married again before I did.
Q Where did you get the divorce at? A She got it there in the other district where she lives.
Q What was her name? A She was called Rosanna.
Q Rosanna what? A Rosanna.
Q Well, you were married to her? A Yes, sir.
Q She got the divorce from you? A Yes, sir.
Q What district? A She brought the magistrate and I signed it in his district at Fryors Creek.
Q You don't know what Court it was? A No, sir.
Q Now, was Neoma ever married before she married you?
A Yes, sir, her man next to me was James Turner.
Q Was he living? A No, sir, he was dead.
Q Neoma had been married before? A Yes, sir.
Q You and Neoma been living together ever since you and she were married? A Yes, sir.
Q Well, you will have to prove that divorce before Neoma will stand any show if she ever did; you have got no proof of your divorce at all? A My mother knows that she come out there and get the divorce from me that year.
Q What year was that? A That was in '72, I think 1872.
Q Long time ago? A Yes, sir.

COM'R NEEDLES: Lewis Armstead Nave applies for the enrollment of himself and his wife, Neoma. He is duly identified upon the authenticated roll of 1880 as well as the census roll of 1896 as Louis Armstead. He makes satisfactory proof as to residence and will be listed for enrollment as a Cherokee Freedman.

Louis A. Nave, et al. -- 2.

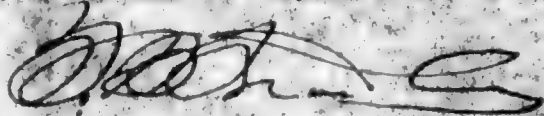
He applied for the enrollment of his wife, Emma, as an intermarried citizen. He avers that he was married to her in the year 1880, and that he himself was married to one Hannah from whom he was divorced in 1872 and makes no satisfactory proof of divorce, consequently Emma Nave will be listed for enrollment as a Cherokee Freedman by intermarriage upon a doubtful claim.

---ooo000oo---

J. Q. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. Q. Reason

Subscribed and sworn to before me on this 9th day of July, 1901.



Commissioner.

071016

68

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
OCT 4 1901

[Handwritten signature]

ACTING CHAIRMAN

U.S.A. (C) (C)

RECEIVED

COMMUNICATIONS

TO THE SECRETARY

WASHINGTON

RECEIVED

TO THE SECRETARY OF THE INTERIOR
WASHINGTON, D.C.

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TO THE SECRETARY OF THE INTERIOR
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WASHINGTON, D.C.

-R-

SUPPLEMENTAL: C. F. D-616

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., Sept. 21, 1901.

In the matter of the enrollment of Naoma Nave as a Cherokee
Freedman.

APPEARANCES:

W. W. Hastings, for the Cherokee Nation.

COMMISSION: Cherokee Nation makes satisfactory proof of
service of notice on said Naoma Nave that testimony will be
introduced at Fort Gibson, Indian Territory, on the 21st day of
September, 1901, in the matter of the application of herself
for enrollment as a Cherokee Freedman. Naoma Nave has been
called three times, and fails to respond.

BY MR. HASTINGS: The Representatives of the Cherokee Na-
tion offer in evidence a certified copy of the decision of
the Supreme Court of the Cherokee Nation, of date June 20th
1871, with reference to the rights of intermarried colored
persons.

M. D. Green, being first duly sworn, states that as stenographer to the
Commission to the Five Civilized Tribes he correctly recorded the
testimony and proceedings in this case and that the foregoing is a
true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this September 24th, 1901.

L. R. Beadmore -

Commissioner.

COPY.

Cherokee Freedmen
2-14 et al.

Muskogee, Indian Territory, January 24, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Holton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Nellie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Kivy Earlin, Nellie Fields, John Kimbo, William S. Madson, Jane Sear, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Sharty, Dave Harris, Alexander Claggett, Ananda Martin, Elias Dutton, John F. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Sam McCall, Fland Manley, George Reed, Sr., Buck Ledson, Bell Thompson, Lewis Scott, Abe Scott, Kinder Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bewlin, Katie Davis, Charles Williams, John J. Hess, Jane Martin, Lena Petergan, Alex Johnson, Martha Yarn, John Scott, Nancy Hess, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Cheuteau, Alice Durant, Mahaley Ward, Fred J. Thomas, Bettie Beck, Ellis Warren, Hillie Robinson, Mary Webber,

Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary E. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Bunker, Willis Cox, Leonard Bewles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Fenna Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgemann Archer, John Claggett, Mattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deekman, James B. Perry, Isaac Welch, Lawson Logan, George Ewall, Henry Kasir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Aline Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McFair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Supter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by inter-marriage, including the Commission's decision dated January 19, 1906, rejecting said applications.

Respectfully,

(SIGNED) *Jams Bixby.*
Chairman.

Incl. K-8.
Through the
Commissioner of Indian Affairs.

COPY.

Cherokee Trustees
J-16 et al.

Muskogee, Indian Territory, January 24, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Hayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Ananda Martin, Eliza Martin, John K. Barnes, Bell Davis, Samuel Brown, Edward F. Watson, Jack McConnell, Maude Kanley, George Reed, Sr., Buck Lodman, Nell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John I. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Stagg, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Lesney, Lucy

Chouteau, Alice Durant, Mahalay Ward, Fred J. Thomas, Bettie Beck,
Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary
Haley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephen Dean,
Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers,
George Washington Lane, Jane Brown, Samuel L. Young, John Buckner,
Willie Cox, Leonard Bowles, Malinda Murrell, Charles Cleggatt,
Samuel Irvan, Mary Ross, Maggie Nave, Neena Nave, Ella Ross,
Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Cleggatt,
Mattie Smith, Jack Jackson, Lula Sanders, George Hambrick, Lizzie
West, Maria French, Mary Johnson, Maggie Vann, William Hudson,
Berah Rogers, Abraham Ballard, Laura David, John Jackson, James
B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masair,
George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou
Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones,
Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Mally
Looney, John Groves, Matilda McAdair, Bettie Vann, Nelson Lett,
Fannie Rogers, William Washington, Squire Warren Owens, Jennie
Goldsbey, Susan Daniels, Anderson Tusk, David Lane, Felix McClain,
Henderson Jones, Belle Vann, Levi Streud, John Sumpter, Mariak
Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens
by intermarriage.

The decision, together with the record of proceedings
had in the case, has this day been transmitted to the Secretary
of the Interior for his review and decision. The action of the

Secretary will be under orders to you as soon as the Commission is
informed of the facts.

Respectfully,

SIGNED: *James Dixey*
Governor

Encl. 2-0.

COPY.

Cherokee Freedman
D-516.

Muskogee, Indian Territory, January 24, 1908.

Neoma Nava,

Lenapah, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1908, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED)

Tams Bixby
Chairman.

Encl. L-96.

Register.

DEPARTMENT OF THE INTERIOR,

Refer in reply
to the following:
Land.
7900-1905.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1905, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Detson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinbe, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Glaggett, Manda Martin, Eliza Martin, John E. Barnes, Nell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maudie Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas H. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles G. Smith, Susie Gilbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Cheuteau,

Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dunn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Warrrell, Charles Claggett, Samuel Irvon, Mary Ross, Maggie Nave, Beema Nave, Ella Ross, Elizabeth Duncanson, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Haise, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Farry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McCennell, Callie Vann, Lew Peters, Ida Mair, Robert Brown, Allie Chambers, Isaac Jones, Alice Sumter, Katie Mair, Garrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McWair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Elleg Sheppard, and Lula Melton.

January 19, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that

is listed in identification on the 1904 Intellectual Property roll.

In view of the record and of the ruling of the Board
of November 19, 1904 (L. O. B. 5042-1904) in the Board
of Patent Cases, the approval of the Commissioner's decision adverse
to all the applicants is recommended.

Very respectfully,

W. F. Lawrence

Acting Commissioner

N.Y.N.
E.

DEPARTMENT OF THE INTERIOR,

WCF.

D. C. 20877-1905.

WASHINGTON.

FHS.

I.T.D. 2904-1908.

April 17, 1905.

LRB

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Dear Sir:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vann, Mary Kirkham, Frances Walton, John Deaton, Mary Jane Vann, Thomas Lewis, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson, Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimo, William S. Hadden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Elias Martin, John E. Barnes, Egli Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bill Thompson, Lewis Scott, Abe Scott, Kender Lupton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann,

John Scott, Nancy Ross, Charles C. Smith, Susie Colbert,
William Swags, Susie Johnson, Alfred P. Hopkins, Kinzie Vann,
Freddie Leoney, Lucy Chentom, Alice Durant, Mahaley Ward,
Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson,
Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry
Sykes, Larkia P. Powell, Stepmay Dams, Malinda Dams, Frances
Johnson, Annie Foster, Mary H. Rogers, George Washington Lane,
Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard
Boulos, Malinda Murrell, Charles Claggett, Samuel Irvon, Mary
Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan,
Sadie Adams, Georgeann Archer, John Claggett, Mattie Smith,
Jack Jackson, Lula Sanders, George Hazelrig, Lissie West,
Maria French, Mary Johnson, Maggie Vann, William Hudson,
Sarah Rogers, Abraham Ballard, Laura David, John Deckman,
James B. Perry, Isaac Welch, Lawson Logan, George Howe II,
Henry Esair, George Adams, Annie Thomas, Lewis McCemell,
Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers,
Isom Jones, Alice Guster, Katie Adair, Carrie Martin, Benjamin
Clark, Emily Leoney, John Greves, Matilda McHair, Bettie Vann,
Nelson Lett, Fannie Rogers, William Washington, Squire Warren
Owens, Fannie Gelasby, Susan Daniels, Anderson Turk, David Lane,
Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John
Sumpter, Mariah Thompson, Ellen Sheppard and Lela Walton.

Reporting in the matter March 21, 1908, the Indian Office recommends that your decision be approved. A copy of the letter is enclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Eben Ryan

1 inclosure.

Acting Secret ary.

COPY.

Cherokee Freedmen

D-816.

Muskogee, Indian Territory, April 29, 1905.

Wagon Wagon,

Langston, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

SIGNED: *Tamm Babby*
Chairman.

COPY.

Cherokee Freedmen

N-14, et al.

Muskogee, Indian Territory, April 28, 1905.

Bell, Hastings & Devonport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

SIGNED: *Tams Bixby.*
Chairman.

COPY.

Cherokee Freedmen

D-14, et al.

Washington, Indian Territory, April 28, 1906.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1906, rejecting the applications for the enrollment of William Lewis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1906.

Respectfully,

SIGNED: *Tame Bixby.*
Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 21 1901


ACTING CHAIRMAN

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11/12/1901

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUN 22 1901



ACTING CHAIRMAN

CHEROKEE FREEDMEN.

Date JUN 22 1901
Post Office *Lenape*
District *Len*

1. Name Age
Owner's name Citizenship
Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

17. Name of wife *Martina Nave* Age *79*
Owner's name Citizenship
Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Child

[Large handwritten signature/initials across the Parents section]

- 3. Year Page No. Dist.
- 4. Year Page No. Dist.
- 5. Year Page No. Dist.
- 6. Year Page No. Dist.
- 7. Year Page No. Dist.
- 8. Year Page No. Dist.
- 9. Year Page No. Dist.
- 10. Year Page No. Dist.
- 11. Year Page No. Dist.
- 12. Year Page No. Dist.

Application made by *Lewis Nave* husband stenographer *J. A. Rosson*

*Intermarried citizen
Proof of divorce of Lewis A. Nave to be supplied
from former wife required
[Signature]*

AFFIDAVIT.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,) SS
NORTHERN DISTRICT.

In the matter of the application of Naoma
Nave for enrollment as a Cherokee Freedman.

No. F. D. 816

Henry Pack, of lawful age, being duly sworn on oath states that on the 14 day of September, A. D., 1901, he registered to Naoma Nave whose postoffice is Lenapah Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson Indian Territory; and that on the 21 day of September, 1901, he received the return card which is hereto attached, signed by the said Naoma Nave, showing that he had received said notice.

Subscribed and sworn to before me on this the 21 day of Sept A. D. 1901.

J. Starr
Notary Public.

EX 816

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
..... day of..... A. D. 1901.

Given under my hand this.....
day..... A. D. 1901.

.....
Marshal for Cherokee Nation.

.....
I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
..... day of....., 1901.

.....
Attorney for applicant.

.....
UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to.....

.....
on the..... day of..... A.D. 1901

.....
Subscribed and sworn to before me
this..... day of..... A.D. 1901.

.....
**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

**FILED
SEP 21 1901**

[Handwritten Signature]
.....
ACTING SECRETARY

NOTICE!

IN THE MATTER OF The application of Naoma Nave
for enrollment as a Cherokee Freedman:

Case No. F. D. 816

To Naoma Nave Lenapah I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on the following dates, to-wit: Sept. 21st at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 14 day of Sept., 1901.

L. B. Bell,
M. W. Hastings

Attorneys for the Cherokee Nation.

FILED
MAR 29 1962

[Handwritten signature]

ACTING CLERK

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,
from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Naoma Naven
Lenapeh, I. T.
Cherokee-F-D-316.
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Department of the Interior

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by inter-marriage of the Cherokee Nation, consolidating the applications of:

- | | |
|---------------------|-------------------------|
| William Davis, | Cherokee Freedmen D-74 |
| Henry Thomas, | Cherokee Freedmen D-86 |
| Ellis Vann, | Cherokee Freedmen D-70 |
| Mary Markham, | Cherokee Freedmen D-100 |
| Frances Melton, | Cherokee Freedmen D-110 |
| John Dotson, | Cherokee Freedmen D-144 |
| Mary Jane Vann, | Cherokee Freedmen D-145 |
| Thomas Lowe, | Cherokee Freedmen D-110 |
| Ellis Maynard, | Cherokee Freedmen D-144 |
| Sallie Rider, | Cherokee Freedmen D-147 |
| Reuben Campbell, | Cherokee Freedmen D-147 |
| Van Jackson Luther, | Cherokee Freedmen D-177 |
| Cassie Middleton, | Cherokee Freedmen D-178 |
| Mary Harlin, | Cherokee Freedmen D-178 |
| Nellie Fields, | Cherokee Freedmen D-188 |
| John Kinbo, | Cherokee Freedmen D-198 |
| William S. Madden, | Cherokee Freedmen D-199 |
| Jane Bean, | Cherokee Freedmen D-206 |
| Albert T. Thomas, | Cherokee Freedmen D-219 |
| Mary Campbell, | Cherokee Freedmen D-279 |
| Caroline Daniels, | Cherokee Freedmen D-289 |
| Melvin Abery, | Cherokee Freedmen D-267 |
| David Morris, | Cherokee Freedmen D-268 |
| Alexander Chiggatt, | Cherokee Freedmen D-308 |
| Amanda Martin, | Cherokee Freedmen D-304 |
| Eliza Martin, | Cherokee Freedmen D-317 |
| John E. Barnes, | Cherokee Freedmen D-318 |
| Bel Davis, | Cherokee Freedmen D-333 |
| Samuel Brown, | Cherokee Freedmen D-345 |
| Howard F. Watson, | Cherokee Freedmen D-347 |
| Jack McConnen, | Cherokee Freedmen D-349 |
| Maudie Manley, | Cherokee Freedmen D-353 |

George Reed, Sr.,
 Buck Ledman,
 Bell Thompson,
 Lewis Scott,
 Abe Scott,
 Kender Lampton,
 Thomas B. Allen,
 Lewis Vanderford,
 John L. Bowlin,
 Katie Davis,
 Charles Williams,
 John J. Rose,
 Jane Martin,
 Lena Peterson,
 Alex Johnson,
 Martha Yann,
 John Scott,
 Nancy Ross,
 Charles C. Smith,
 Susie Colbert,
 William Skaggs,
 Susie Johnson,
 Alfred P. Hopkins,
 Kizzie Yann,
 Freddie Looney,
 Lacy Chouteau,
 Alice Durant,
 Mahaley Ward,
 Fred D. Thomas,
 Bettie Beck,
 Ellis Warren,
 Millie Robinson,
 Mary Webber,
 Frances Martin,
 Mary Riley,
 Emanuel Taylor,
 Henry Sykes,
 Larkin P. Powell,
 Stepney Dawn,
 Malinda Vann,
 Frances Johnson,
 Annie Foster,
 Mary H. Rogers,
 George Washington Lane,
 Jane Brown,

Cherokee Freedmen D-382,
 Cherokee Freedmen D-406,
 Cherokee Freedmen D-411,
 Cherokee Freedmen D-420,
 Cherokee Freedmen D-421,
 Cherokee Freedmen D-430,
 Cherokee Freedmen D-434,
 Cherokee Freedmen D-436,
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 Cherokee Freedmen D-692,
 Cherokee Freedmen D-696,
 Cherokee Freedmen D-699,
 Cherokee Freedmen D-733,
 Cherokee Freedmen D-735,
 Cherokee Freedmen D-736,
 Cherokee Freedmen D-741,
 Cherokee Freedmen D-742,
 Cherokee Freedmen D-743,
 Cherokee Freedmen D-752,
 Cherokee Freedmen D-758,
 Cherokee Freedmen D-760,

Samuel L. Young,
 John Buckner,
 Willis Cox,
 Leonard Bowles,
 Malinda Murrell,
 Charles Claggott,
 Samuel Ixson,
 Mary Rose,
 Maggie Nave,
 Neoma Nave,
 Ella Rose,
 Elizabeth Duncan,
 Sadie Adams,
 Georgeann Archer,
 John Claggott,
 Hattie Smith,
 Jack Jackson,
 Lula Sanders,
 George Hazekig,
 Lizzie West,
 Maria French,
 Mary Johnson,
 Maggie Vann,
 William Hudson,
 Sarah Rogers,
 Abraham Ballard,
 Laura David,
 John Deckman,
 James B. Perry,
 Isaac Welch,
 Lawson Logan,
 George Howell,
 Henry Masir,
 George Adams,
 Annie Thomas,
 Lewis McConnell,
 Callie Vann,
 Lou Peters,
 Ida Adair,
 Robert Brown,
 Allie Chambers,
 Leon Jones,
 Alice Guntar,
 Katie Adair,
 Carrie Martin,

Cherokee Freedmen D-761,
 Cherokee Freedmen D-780,
 Cherokee Freedmen D-781,
 Cherokee Freedmen D-787,
 Cherokee Freedmen D-788,
 Cherokee Freedmen D-789,
 Cherokee Freedmen D-798,
 Cherokee Freedmen D-799,
 Cherokee Freedmen D-808,
 Cherokee Freedmen D-816,
 Cherokee Freedmen D-840,
 Cherokee Freedmen D-871,
 Cherokee Freedmen D-880,
 Cherokee Freedmen D-901,
 Cherokee Freedmen D-912,
 Cherokee Freedmen D-923,
 Cherokee Freedmen D-938,
 Cherokee Freedmen D-973,
 Cherokee Freedmen D-987,
 Cherokee Freedmen D-990,
 Cherokee Freedmen D-1010,
 Cherokee Freedmen D-1039,
 Cherokee Freedmen D-1062,
 Cherokee Freedmen D-1067,
 Cherokee Freedmen D-1078,
 Cherokee Freedmen D-1082,
 Cherokee Freedmen D-1085,
 Cherokee Freedmen D-1105,
 Cherokee Freedmen R-39,
 Cherokee Freedmen R-43,
 Cherokee Freedmen R-43,
 Cherokee Freedmen R-56,
 Cherokee Freedmen R-72,
 Cherokee Freedmen R-82,
 Cherokee Freedmen R-83,
 Cherokee Freedmen R-86,
 Cherokee Freedmen R-94,
 Cherokee Freedmen R-96,
 Cherokee Freedmen R-99,
 Cherokee Freedmen R-100,
 Cherokee Freedmen R-102,
 Cherokee Freedmen R-104,
 Cherokee Freedmen R-105,
 Cherokee Freedmen R-106,
 Cherokee Freedmen R-107,

Benjamin Clark,
 Emily Looney,
 John Groves,
 Matilda McNair,
 Bessie Vann,
 Nelson Lett,
 Fannie Rogers,
 William Washington,
 Squire Warren Owens,
 Fannie Goldsby,
 Susan Daniels,
 Anderson Turk,
 David Lake,
 Felix McClain,
 Henderson Jones,
 Belle Vann,
 Levi Stroud,
 John Sumpter,
 Mariah Thompson,
 Ellen Sheppard,
 Lula Melton,

Cherokee Freedmen R—106,
 Cherokee Freedmen R—110,
 Cherokee Freedmen R—111,
 Cherokee Freedmen R—117,
 Cherokee Freedmen R—121,
 Cherokee Freedmen R—125,
 Cherokee Freedmen R—129,
 Cherokee Freedmen R—131,
 Cherokee Freedmen R—143,
 Cherokee Freedmen R—144,
 Cherokee Freedmen R—146,
 Cherokee Freedmen R—148,
 Cherokee Freedmen R—155,
 Cherokee Freedmen R—163,
 Cherokee Freedmen R—173,
 Cherokee Freedmen R—181,
 Cherokee Freedmen R—196,
 Cherokee Freedmen R—311,
 Cherokee Freedmen R—380,
 Cherokee Freedmen R—337,
 Cherokee Freedmen R—347.

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by inter-marriage, were made to this Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Jim Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Rider for his wife, Sallie Rider; by Reuben Campbell for himself; by Van Jackson Luther for himself; by Tobe Middleton for his wife, Carrie Middleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nellie Fields; by John Kimbo for himself; by William S. Madden for himself; by Tobias Bean for his wife, Jabe Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Payton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard F. Watson; by Jack McConnell for himself; by Maude Manley for herself; by George Reed, Sr. for himself; by Buck Ledman for himself; by Bell Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Reider Lawpton for himself; by Thomas W. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Mattah Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for, Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Riley for his wife, Mary Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Stepmey Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr. for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Irven for himself; by David Ross for his wife, Mary Ross; by George F. Nave for his wife, Maggie Nave; by Lewis Armistead Nave for his wife, Neome Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lula Sanders; by Mary Hazenrig for her husband, George Hazenrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckman for himself; by James B. Perry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Adie Thomas; by Lewis McConnell for himself; by Josh Vann for his wife, Callie Vann; by Don Peters for herself; by Robert Adair for his wife, Ida Adair; by Josie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Maty Groves for her husband, John Groves; by Butler McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Lake for himself; by Felix McClain for himself; by Henderson Jones for himself; by Joe Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Rouben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irvan, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adama, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Haxelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Attie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY,
Chairman.
[SIGNED] T. B. NEEDLES,
Commissioner.
[SIGNED] C. R. BRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

Cher. Fr. R. 748

Trans. from C. Fr. D. 824

Cher. Fr. R. 748

30824

Q How long have you before the war...
A Yes, sir.
Q How long have you before the war...
A Yes, sir.
Q How long have you before the war...
A Yes, sir.

Q How long have you before the war...
A Yes, sir.

Q How long have you before the war...
A Yes, sir.

Q How long have you before the war...
A Yes, sir.

Q How long have you before the war...
A Yes, sir.

Q How long have you before the war...
A Yes, sir.

Q How long have you before the war...
A Yes, sir.

Q How long have you before the war...
A Yes, sir.

Q How long have you before the war...
A Yes, sir.

Q How long have you before the war...
A Yes, sir.

Q How long have you before the war...
A Yes, sir.

Q How long have you before the war...
A Yes, sir.

Q How long have you before the war...
A Yes, sir.

Q How long have you before the war...
A Yes, sir.

Q How long have you before the war...
A Yes, sir.

DEPARTMENT OF THE ARMY
COMMISSION TO INVESTIGATE THE
MATTERS OF THE
JUL 1901

Now...
...
...

...

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 21st, 1901.

In the matter of the application of Mariah Reynolds for the enrollment of herself and one child as Cherokee Freedman; said Reynolds being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Mariah Reynolds.
Q How old are you, Mariah Reynolds? A I guess I must be about
40 I guess.
Q What is your postoffice address? A Tulsa.
Q What district do you live in? A Gooeweeecowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A I got three
children.
Q Are they single; any of them married? A One of them is.
Q How old is the next one? A The boy is 19.
Q What is his name? A John.
Q John what? A Carter.
Q What is the next child's name? A He is 23; Wiley.
Q You haven't got but one that is under age? A Yes sir, that
is all.
Q Is your name on the roll of 1880? A It ought to be on there.
Q Well, are you married? A Yes sir.
Q What is your husband's name? A Peter Reynolds.
Q Is he a citizen? A No, sir, he is a state man.
Q Well, were you ever married before? A No, sir.
Q Peter Reynolds your first husband? A Yes, sir.
Q Who was the father of John Carter? A What was George Carter,
of course, that was in slave times.
Q You never were married to him? A No, sir; my boys is in the
pen.
Q What is your father's name? A Henry Ridge.
Q What is your mother's name? A Susie Woodard.
Q Well, if John Carter was born in slavery times he is over 19
years old? A Yes, of course he is, I can't read or nothing.
Q You are older than 40, aren't you? A Yes, sir, I was born
before the war.
Q Well, about how old are you, now; in that neighborhood of 40
aren't you? A I guess I might be 60.
The 1880 Authenticated roll and 1896 Census Roll of Freedmen
of the Cherokee Nation examined and name of applicants
not found thereon.
The Wallace Roll of Freedmen of the Cherokee Nation examined
and name of applicant found thereon, page 136, #2829, Maria
Redbird, Gooeweeecowee District.
Q How did your name happen to be Redbird? A That was my Master's.
Q Your master's name you say was Henry Ridge? A That was my
father's name.
Q You were a slave during the war were you? A Yes sir.
Q To whom did you belong? A Redbird Woodard.
Q Is he a Cherokee? A Yes, sir.
Q Have you got any witnesses? A Yes, sir.
Q Who are they? A Sam Webber and Ben Grinnett.
Q Did you draw the Iarn money, the strip money? A I drew the
Wallace money.
Q That is all you did draw? A Yes, sir.
Q Was Redbird Woodard a Cherokee? A Yes, sir, lived down here
on Grand River.
Q Where were you born? A On Grand River.
Q Cherokee Nation? A Yes sir.
Q Well, did you go out of the Cherokee Nation during the war?

A Yes sir.
Q Where did you go? A I went up in Kansas.
Q What part of Kansas? A Up in Kansas, that is all I can tell you.
Q Well, did you come back after the war? A Yes sir.
Q When? A In '66.
Q Where did you come to? A I come on Big Creek with Sam Webber and Bill Foreman and Aunt Vioey and Mose Whitmire.
Q Well, did you marry before you got back or afterwards?
A I married afterwards.
Q Married Reynolds? A Yes, sir.
Q What was his name? A Peter Reynolds.
Q Have you been living with Peter Reynolds ever since? A Yes, sir.
Q Did you ever have children by Peter? A No, sir, none at all.
Q Your son John was born before the war was he? A During the war.
Q Now, have you lived here ever since? A Yes, sir, been right here ever since.
Q Did you ever apply to have your name put on the roll of 1880?
A Yes, sir, it ought to be on there because Mr. Link Foreman took my name.

By Mr. W. W. Hastings, Cherokee Representative:

Q You didn't have Sam Webber before did you as a witness before the Kern-Clifton Commission? A I had Ben Grinnett.
Q Did you or not have Sam Webber? A No, sir.
Q You didn't claim in your testimony before before the Kern-Clifton Commission that you come back with Sam Webber? A Oh, yes.
Q Did you tell the court there that you come back when Sam Webber come? A I didn't tell them that.
Q You said before that you come back to Snow Creek, didn't you?
A Of course I come on Big Creek first and moved around and got on Snow Creek and Cedar Creek.
Q Didn't you testify before that you come back from Kansas and located on Snow Creek? A No, sir.
Q Didn't you testify before that Esau Fox was living up there when you moved to Snow Creek? A Well, Esau Fox was living up there.
Q Did Esau Fox have a house there? A Yes, sir.
Q Who else had a house down there? A There was Jack Ross and Joe Ross, Hector Ross.
Q Did they have small fields? A Yes, sir.
Q Have you in them? A No, sir.
Q Now, who of your family come with you? A I come with Brother Webber, my husband was all.
Q How about your children, how many children come with you, any?
A I brought two.
Q What were their names? A One was named Wiley, the other named Sandy, but he is dead.
Q Is Wiley alive now? A Yes, he is in the Pen.
Q How old is Wiley? A 33.
Q Wiley was born in Kansas was he? A No, sir, he was born here in the Cherokee Nation.
Q Before the war? A Wiley and Samuel was born right here in the Cherokee Nation.
Q Before the war? A No, sir, after the war.
Q How did you bring him down here with you if he was born after you come? A Oh, Wiley and Sammie they was born here on 'Possum Creek.
Q How did you bring them down here? A Henry, that was the one, he didn't stay with me, his father took him when I left down here, of course I brought him, his father died and Uncle Peter Hudson took him.
Q He didn't come with Uncle Peter Hudson then? A He, sir.
Q Well, did Uncle Sam Webber have a house when you come?
A He had a wall of a house fixed.
Q How long had he been living down here before you come down with

him? A We come down here and looked out a location and went back after his family and then I come with him.

Q Esau Fox had a house down here? A Yes, sir.

Q Peter Meigs? A Yes, sir.

Q And Joe Ross had one? A Yes, sir.

Q All these people were living down here when you come? A Yes sir.

Q I want to find out where Redbird Woodard; that is your master's name? A Yes, sir.

Q Where was he living? A He was living right on Honey Creek near Grand River.

Q Do you know Webb Weir? A Yes sir.

Q That was a brother-in-law of his wasn't he? A Yes, sir.

Q How far did you live from Webb? A I guess it might have been two miles or thres, as well as I can remember.

Q Did Redbird Woodard have a slave by the name of Rose?

A Yes, sir, that was my sister.

Q Then who was you sold to? A Wasn't sold to anybody.

Q You were living right there when the war come up? A Yes sir.

Q Did you know Sam Webber before the war? A Yes sir, knowed his boy.

Q Well, but him? A Yes, sir, he used to come down there.

Q Redbird Woodward, what was his wife's name? A Eliza.

Q Redbird is alive when the war come up? A Yes, sir, but he died before I left there, him and his wife.

Q Both of them dead? A Yes, sir.

Q What become of you? A You know I was big enough then to go to myself.

Q Where did you go? A I come up here and went up in Knansas.

Q I mean before the slaves were freed? A I was out here, I wasn't out until after the war commenced.

Q I was going to ask you now where you saw this witness, Sam Webber, before the war; he lived down about Tablequah didn't he?

A Yes sir.

Q You lived down on Honey Creek? A Yes, sir.

Q That was about 50 or 60 miles? A Yes sir.

Q Where did you ever see him? A Down on Honey Creek.

Q He was up there? A Yes, sir, with Sam Webber.

Q But this young Webber? A I never saw him.

Q Before the war was thought? A No, sir, I never saw this young Webber before the war.

Q Why didn't you, if Sam Webber brought you down here and he was a citizen, why is it you didn't get him to testify for you before the Kern-Clifton Commission to that fact, and why is it you didn't mention the fact in your testimony? A I thought Uncle Ben Grinnett would do.

By Com'r Needles:

Q How big were you when the war broke out, you recollect that?

A I was about that high (indicating) I reckon.

Q Wasn't grown? A No, sir.

Q Well, where was John Carter born? A He was born here in the Nation.

Q After the war? A Yes, sir.

Q After you come back? A Yes, sir; Henry is the one I brought down here with me, that boy you enrolled this morning.

Q Was he born while you were up in Knansas? A No, sir.

Q Was he born before you went to Knansas? A Yes, sir.

Q He was born before you went? A Yes, sir, I was grown and married.

Q That was during the war you went to Knansas, wasn't it, of course?

A Yes, sir, I guess it was.

Q Now ain't get bothered about it, you recollect about the war?

A I don't remember much about the war.

Q You had a child before that? A Yes sir.

Q How old is Henry? A Well, he is, I don't remember how old he is.

Q He is the oldest is he? A Yes, sir; of course I have got no learning.

Q Is Henry married? A Yes, sir, that was his wife in here with him.

Q Henry was in here this morning? A Yes, sir.

Q You must be over 60 years old? A I don't know how old I am.

SAM WEBBER, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q Your name is Sam Webber? A Yes, sir.

Q How old are you? A About 58.

Q You are a recognized Freedman citizen of the Cherokee Nation?

A Yes, sir.

Q Do you know the applicant here, Mariah Reynolds? A Yes, sir.

Q How long have you known her, Mr. Webber? A I got acquainted with her when she come down with us the time Uncle Billy Foreman brought her down.

Q You don't know who she belonged to then? A No, sir.

Q Well, when was the first time you saw her after the war?

A When we all fixed and got ready to move down to the Territory.

Q She come with you? A Yes, sir.

Q What time did she return? A Sometime in the fall of '66.

Q You made several trips down didn't you, Mr. Webber? A Yes sir.

Q Was this the last trip? A Yes, sir, she was in the crowd; Uncle Billy Foreman brought her and she settled right there by us.

Q Have you known her since that time? A Yes sir.

Q Has she always lived in the Cherokee Nation? A Yes, sir; married here and lived here.

Q Did you know Redbird Woodard? A No, sir.

By Mr. Hastings:

Q You didn't testify for her before the Kern-Clifton, Mr. Webber?

A No, sir, I was sick and went home.

Q They were not half through when they took her case? A I wasn't there when they tried her.

Q You never come in and give any additional testimony for her afterwards? A No, sir, I wasn't called.

Q You don't know whether she said anything about coming back with you? A No, sir.

Q You are the man that went to Fort Gibson in 1865? A Yes, sir.

Q And your father and some others went up to see Chief Downing about coming back? A Yes, sir.

Q And you got with a woman and spent the winter up here about Goodys Bluff? A Yes, sir.

By Sam's Needles:

Q THE COMMISSIONER would like to have a little information about that Chief Downing business; your father went to see Downing did he?

A Yes sir.

Q Was Downing Chief at that time? A Yes, sir; he was acting Chief and father went to see him; he was a kinda of a leader and he was a Colonel in the army and father went to see him.

Q He has always been Chief Downing after that? A Yes, sir; he was elected after that.

Q Do you know whether he was elected Chief at the time your father went to Fort Gibson or not? A He was not elected by the voice of the people; he was just acting that, most of the people just looked at him that was, there was no chief there and people looked at it that was because he was a kinda of a leader and a full blood.

By Mr. Hastings:

Q You have been questioned about this Chief business a number of times before, Mr. Webber? A Yes, sir; you have been questioning me about it.

-5-

Q You have had occasion to answer to it in a number of cases?
 A Yes sir.

Q And you then floundered; you didn't tell anything about being down here in '88 did you? A No, sir, not till Mr. Bell asked me.

Q You didn't tell anything about this trip before the Kern-Clifton Commission? A No, sir.

Q And they had about the same sort of investigation of these questions discussed like we do now? A Yes sir, because they didn't ask me when I first come I didn't tell about coming.

Q At that time never mentioned it? A No, sir; they didn't ask me.

Q When I first asked you about Chief Downing would you testified that your father and delegation when up there to see the Chief?
 A Yes sir.

Q You were asked who the Chief was and you said Downing was the Chief? A Yes sir.

By Don't Needles:

Q Now, Mr. Hastings asked you in your first testimony you didn't say that you and your father went up, or that your father went to Fort Gibson to see the Chief; now did you testify that he went up there to see the Chief or that he went up there to see Chief Downing? A I testified that he went up there to see Chief Downing and father was acquainted with him and he was the only one he knowed to go to see.

BEN GRIMMETT, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Ben Grimmatt.

Q How old are you, Mr. Grimmatt? A About 65.

Q What is your postoffice? A Nowata.

Q Do you know Mariah Reynolds, the applicant? A Yes, sir.

Q How long have you known her? A I have knowed her before the war.

Q Was she a slave? A Yes, sir.

Q Do you know to whom she belonged? A Belonged to Redbird.

Q Was he a Cherokee? A Yes, sir.

Q Well, where did you see Mariah Reynolds and when after the war the first time? A I see her on Big Creek.

Q When was that, about what year? A It was in the spring or in the fall of '88.

Q Did she go out of the Cherokee Nation during the war, do you know? A Yes sir, she did.

Q Do you know where she went? A Went to Fort Scott, Kansas.

Q Do you know when she returned? A Yes, sir.

Q When did she return? A Well, I wasn't there when she come.

Q Did you come with her? A No, I didn't come with her.

Q The first time you saw her afterwards was in the fall of '88?
 A Yes sir.

Q Have you known her since that time? A Yes, sir.

Q Has she always lived in the Cherokee Nation? A Yes, sir.

Q Have you any idea how old she is? A No, sir, I don't.

Q Was she grown when you saw her in '88? A Yes, sir.

Q Have children? A I think she had one.

Q Do you know its name? A Henry.

By Mr. Hastings:

Q You saw her during the war did you? A Yes, sir.

Q Where did you see her? A I see her at her Master's.

Q Where was that? A Honey creek.

Q What district? A I could not tell you the district.

Q You swore you were never in Delaware District five years ago, didn't you? A I didn't say that.

Q What? A I didn't know anything about Delaware District.

Q Do you know that district you live in? A Yes, Flint District.

-6-

Q Now, what sort of a house was her Master living in before the war? A I could not tell that.

Q What were you doing up there? A I went up with my Master.

Q And what did he go for? A I don't know, he was boss.

Q Did Redbird Woodward have a wife? A Yes sir.

Q What was her name? A I could not tell you that.

Q See any more slaves there? A No, I didn't see them.

Q That is the only one you saw? A No, I seen a boy.

Q There at Redbird Woodward's? A There was a little boy.

Q What was his name, his son, Henry? A I guess.

Q You saw him there? A Yes, sir.

Q That was before the war? A Yes, sir.

Q You are certain of this are you? A Yes, little before the war.

Q Did they have any fields about them? A Yes, sir.

Q Did they have creeks right there? A Yes, sir.

Q On which side of the house? A I could not tell you.

Q How far from the state line? A I don't know.

Q Do you know whether it was on the edge of the prairie or not? A I could not hardly tell that, it has been so long.

Q Do you know one year from another? A No, sir.

Q What year did the Wallace Court sit? A I could not tell that.

Q What year did the Kern-Clifton Court sit? A I could not tell that.

Q What year were you born? A You ask me things what I don't know anything about.

Q You don't know one date from another do you? A I don't know anything about the months.

Q Where did you see this woman first after the war? A I seed her on Big Creek.

Q At whose house? A With Uncle Bill Foreman.

Q Now, how many children did she have when you saw her there? A I didn't notice at all.

Q Did you see any? A Yes, there was some children there.

Q How many? A I could not tell you that.

Q You don't remember any more in particular? A No, sir.

Q You remember seeing one with her before the war? A Yes.

Q Now then, those were the only two colored persons, she and this little boy that you saw at Redbird Woodward's before the war? A That is all.

Q How long did she stay there? A All night there.

Q How far was it from your home place? A I could not tell you that.

Q 85 or 100 miles? A No, sir.

Q It was over 50 wasn't it? A I could not tell.

Q You don't know what your Master went up there for? A Well, you tell me I will tell you.

Q You are the fellow that was whipped for stealing down there in Tahlequah wasn't you? A I have got a man here to prove that.

Q Well, ~~you~~ do you deny it or not? A I aint going to tell you nothing about it; you call him in, I will tell you that is the way to do business.

MARIAN REYNOLDS, applicant, recalled; By Com'r Needles:

Q Have you got any other witnesses? A No, sir.

Q Well, you say you have got a son in jail? A Yes, sir.

Q How long has he got to be there? A He went there for 15 years.

Q Is he married? A No, sir.

Q What is his name? A Wiley Garter.

Q How old is Wiley? A 25 somewheres along there.

Q How much older is Wiley than John? A Wiley is the oldest.

- Q Well, how much older? A About two years.
Q Is John here? A No, sir, he is to the Reform School.
Q Where? A In Missouri.
Q Sent there by the Court? A Yes, sir.
Q Now, John is in prison too isn't he? A Yes, sir.
Q Both of them in prison? A Yes, sir.
Q Did you draw Wallace money for John and Wiley? A Yes, sir.
Q Where is Wiley in the Penitentiary? A Fort Leavenworth.

The Wallace Roll of Freedmen of the Cherokee Nation examined and names of applicant's children found thereon as follows:

Page 155, #2351, John Redbird, Cooweescoowee District;

Page 155, #2350, Wily Redbird, Cooweescoowee District.

- Q These two children are yours are they? A Yes, sir.
Q Where were you born? A Cherokee Nation.
Q Where were they born? A Cherokee Nation.
Q Lived here all their lives? A Yes, sir.
Q But they were born before you were married to Reynolds?
A Yes, sir.
Q You wasn't married to anybody when they were born? A No, sir.

By Mr. Hastings:

- Q Where was this older boy, Henry, born? A Down here on Grand river.
Q Before or after the war? A It was in time of the war.
Q How old is he now? A Well, I disremember how old he is, I guess he must be along in years now.
Q Henry was born in time of the war? A Yes, sir.
Q He is your oldest child? A Yes, sir.

By Com'r Needles:

- Q Your name before you married Reynolds then: what was your name then? A Carter.
Q You never were married to Carter? A No, sir.
Q What was your name before you married Carter? A Redbird.

Com'r Needles: Mariah Reynolds applies for the enrollment of herself and her sons, John Carter and Wiley Carter. She cannot be identified upon the authenticated roll of 1860 or census roll of 1866 or Kern-Clifton roll, but is identified upon the Wallace Roll. Her sons, John and Wiley, are satisfactorily identified upon the Wallace Roll as John and Wiley Redbird. She avers that her maiden name was Redbird; that she was a slave of one Redbird Woodard, that she lived with a man by the name of Carter, by whom she had these two children for whom she applies. She avers that they are both in prison, one in the State of Missouri in the Reform School and the other in the Penitentiary at Leavenworth. She avers that they are living, her children and were born and raised in the Cherokee Nation. For proof of citizenship of Mariah Reynolds reference is made to the testimony. Said Mariah Reynolds and her two children, John and Wiley Carter, will now be listed for enrollment as Cherokee Freedmen upon a doubtful card, awaiting further consideration of the Commission. She will be notified of the decision of the Commission when the same is arrived at.

J. D. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, J. D. Rosson

Subscribed and sworn to before me this July 9th, 1901.

Signed, T. B. Needles,

Commissioner.

Supplemental Testimony.
J. D. 1808.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 22d, 1901.

Supplemental Testimony in the matter of the enrollment of Mariah Reynolds as a Cherokee Freedman.

BURL DANIELS, being introduced as a witness on the part of applicant, being sworn and examined by Commissioner T. B. Needles, testified as follows:

By Mr. W.W. Hastings, Cherokee Representative present.

- Q What is your name? A Burl Daniels.
- Q How old are you? A I am some sixty odd.
- Q What is your postoffice? A Talala.
- Q Are you a Cherokee Freedman? A Yes, sir.
- Q Your name is not on the roll is it, Burl? A No, sir.
- Q Well, do you know Mariah Reynolds? A Yes, sir..
- Q How long have you known her? A I have known her all my life time.
- Q Was she a slave before the war? A Yes, sir.
- Q To whom did she belong? A First belonged to old Mrs. Woodard and she give her to her son, Redbird Woodward.
- Q Was Redbird Woodward a Cherokee Indian? A Yes, sir.
- By Mr. Hastings:
- Q How far from them did you live? A I lived about ten miles.
- Q Where did you live? A I lived at Dob Daniels there about where Vinita is now.
- Q And they lived on Grand River? A They lived on Honey Creek and from there to Horse Creek.
- Q Was Redbird living there when the war come up? A Yes, sir.
- Q Did Redbird have a wife? A Yes, sir.
- Q Now, how long before the war was it before you saw this woman and know she lived there? A The last time I saw her the war commenced and she was living there then.
- Q Did Redbird Woodward have any children? A Had two or three.
- Q Do you know whether Webb Wier was any kin to them or not? A Married my old Master's niece, old Mary Daniels' daughter.
- Q Then they were brothers-in-law, Redbird Woodward and Webb? A Wier was a white man and married my old Master's niece.

J. O. Rosson, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, J. O. Rosson,

Subscribed and sworn to before me this 9th day of July, 1901.

Signed, T. B. Needles,

Commissioner.

Bruce O. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and the same is a true and correct copy from the original.

Sworn to and subscribed before me this 9th day of July, 1901.

Bruce O. Jones
T. B. Needles
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

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Department of the Interior,
Commission to the Five Civilized Tribes
Nowata, I.T., June 22, 1901.

In the matter of the application for the enrollment of Susie Lowe and two children as Cherokee Freedman.

John Lowe, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A John Lowe.
Q How old are you? A 27.
Q What is your post office address? A Tulsa.
Q What district do you live in? A Live in Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A No, my wife.
Q Want to enroll your wife? A Yes, sir.
Q Where is your wife? A She is at home.
Q What is her name? A Susie Lowe.
Q How old is she? A About 23.
Q What was her father's name? A George Carter.
Q What was her mother's name? A Maria Reynolds.
A Your wife's name on the roll of 1880? A I don't know.
Q When were you married to her? A About seven years ago.
Q Got any children? A Yes, sir, two.
Q You want to enroll them? A Yes, sir.
Q What are the names of your children? A Nita and Frank.
Q How old is Nita? A About 2 years old.
Q The name of the next child? A About six or seven months.
Q What is its name? A Frank.
Q You a non citizen? A Yes, sir.
Q You have been living with your wife continuously since you married her? A Yes, sir.
Q Are these children living at this time? A Yes, sir.
Q Has your wife always lived in the Cherokee Nation? A Yes, sir.
Q Was she born in the Cherokee Nation? A That is what is said.
Q How long have you known her? A About 15 years.
Q Is her name on any of the rolls of the Cherokee Nation? A On the Wallace roll.
Q Her name was Susan Reynolds when you married her? A Named Susie Carter.
Q Susie Carter's name don't appear upon any of the rolls? A It ought to be on there with Maria Woodward, she wasn't married to ~~her~~ ~~Reynolds~~ Reynolds time of the Wallace roll.
Q Who wasn't? A Aunt Maria wasn't.
Q Her name was Woodward, was it? A Yes, sir.
Q Your wife's name was Woodward? A No, she was a Carter, her daughter.

The 1880 authenticated roll of Cherokee Freedman examined and the applicants not identified thereon.

The 1896 census roll of Cherokee Freedman examined and the applicants not identified thereon.

The Wallace roll examined and the applicant, Susie Lowe, identified thereon, page 135, No. 2832, Cooweescoowee district, as Susan Redbird..

Commissioner: John Lowe applies for the enrollment of his wife Susan. He swears that she is the child of Maria Reynolds, and that Maria Reynolds was originally Redbird, and the name of said Susie Lowe cannot be identified upon the authenticated roll of 1880, or the census roll of 1896 or the Kern-Clifton roll. She is duly identified upon the Wallace roll as Susan Redbird, as indicated in the testimony. He swears that the said Susan has lived in the Cherokee Nation to his knowledge.

Susie Lowe - 2.

ledge for the last fifteen or twenty years, and that he was married to her about seven years ago; that he is a non citizen; that he has two children, Rita, two years of age, and Frank, seven months of age, whose names do not appear upon any of the rolls of the Cherokee Nation. As to the citizenship of said Susie Lowe, reference is made to the testimony taken in the application of Frank Reynolds, who is listed for enrollment on B card 504, and a copy of said testimony will be made part of the record in this case and will be filed herewith. It will be necessary for the applicant to file satisfactory proof of the birth of his two children, their names not appearing upon the rolls. Now Susie Lowe and her two children Rita and Frank will be listed for enrollment as Cherokee Freedmen on a doubtful card. They will be notified by mail of the decision of the Commission in the premises.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 1st of July, 1901.

[Signature]

Commissioner.

SUPPLEMENTAL TESTIMONY

File with Sisie Lowe, et al., C. F. D. #824.

DEPARTMENT OF THE INTERIOR
Commission to the Five Civilized Tribes,
Vinita, I. T. October 18, 1901.

In the matter of the application of Mariah Reynolds, et al., C. F. D. 802
APPEARANCES:

L. B. Bell for the Cherokee Nation
Mellette & Smith for the applicants.

WEBB WEIR being first duly sworn by Com't. Needles testified for the applicant as follows:

(By Bell: A What's your name? A Webb Weir.

Q How old are you? A 54.

Q What is your post office? A Vinita

Q How long have you been living in Vinita? A About 8 years.

Q Are you a Cherokee citizen? A Yes sir.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Where did you live in '61, prior to that for 4 or 5 years in the Cherokee Nation? A On Honey Creek in '61.

Q Where is that? A Delaware district, near the Arkansas line ten miles from the Arkansas line in the Cherokee Nation.

Q Had you been living there a number of years? A Born and raised there

Q Were you acquainted with a Cherokee citizen named Redbird Woodard?

A Yes sir.

Q Where did he live? A Two miles below us on the same creek.

Q Was that Redbird Woodard a married man at the beginning of the war?

A Yes sir.

Q Who was his wife? A My sister, Ann Elisa Weir was her maiden name

Q How long had they been married when the war broke out? A I expect about three years.

Q They lived there on that same Honey Creek up to the beginning of the war? A No sir they moved on Horse creek just before the beginning of the war.

Q How far did they move? A I guess ten miles.

Q Did this Redbird Woodard own any slaves? A Yes sir he has one nigger girl.

Q What was her name? A Her name was Rose.

Q Did he have any other slaves at all? A No sir.

Q What became of Redbird Woodard when the war broke out, did he still continue to live there? A No sir he went south.

Q Where did he go south to? A Down on Blue.

Q Was that in Texas? A No sir, in the Choctaw Nation.

Q In Indian Territory? A Yes sir.

Q Did he take this woman Rose with him? A I cant tell you if he did or not, because I was in the army and I dont know if he taken her with him or not, but I think he did.

Q Did he own a nigger girl about grown at that time named Mariah? A No sir

Q Had only the one nigger? A Yes sir.

Q What was Redbird Woodard doing during the war? A He was a soldier

Q What army was he in? A In Stan Watiss's army.

Q Confederate army? A Yes sir.

Q Did you know Redbird Woodard about the time of his death? A Yes sir

Q Did he die before, during or after the war? A After the war.

Q Where was he living when he died? A In Canadiana district.

Q Did his wife die? A No sir.

Q Is she dead now? A No sir she is living now.

Q You lived in Honey creek from the time you could remember until the war broke out? A Yes sir.

Q Was there any other Redbird Woodard living in that Honey Creek country? A No sir, that is the only one.

Q You say Mrs. Woodard is living now? A Yes sir.

(By Smith: Q Where does she live? A At Eola.

Q In the Cherokee Nation? A Yes sir.

Q How old was Redbird Woodard when the war broke out? A You are too hard for me there.

Q You knew him didn't you? A Yes sir

Q You knew if he was a young or an old man then? A He was a middle aged man then.

Q How far did you live from him? A Two miles.

Q Always? A Until the war come up.

- Q How long had you been living within two miles of him before the war came up? A All my life I lived there and I was about six or seven when he came there.
- Q What was your post office then? A I cant tell, we never had no postoffices in those days.
- Q You dont know what your post office was? A No sir.
- Q How long is Honey creek? A I dont know, it must be 12 miles or 14 miles long to the line, I dont know how long it is to the head.
- Q Where does it commence? A I dont know, in Missouri or Arkansas.
- Q Do you know where it comes into the Nation? A Yes sir, half a mile from the Arkansas and Missouri corner.
- Q What does it empty into? A Ornd river.
- Q How far from the Nation live? A 12 or 14 miles.
- Q You cant state positively that there was no other Redbird Woodard in there except this man? A That was the only one I knew of and I knowed that country from where the creek run into the Nation to where it emptied into the river.
- Q As far as you know he was the only one? A Yes sir.
- Q The only one in your neighborhood? A Yes sir.
- Q How long did you stay there? A From the time I can first recollect, until the war come up.
- Q And you say you knew all the people in the neighborhood? A Yes sir.
- Q Can you take any section of the Cherokee Nation as large as that one was, and tell all the people in it? A No sir, but at that time there was not many people in the country, ~~and~~ those that were there were mostly citizens and belonged in the Nation and they staid there, there were not ~~many~~ so many renters as there is now; now they are always changing so that you can't keep up with them, in them days it was different.
- Q You cant take a section of country here now and tell all the citizens in it can you? A I can tell if I know the country and you keep on the creek.
- Q How far out from the creek did you know the community that time? A Three or four miles.
- Q As near as you can testify to, is that he was the only Redbird Woodard in that country as far as you know? A Yes sir.
- Q You say that the Redbird Woodard you knew was a slave at the commencing of the war? A Yes sir a negro girl.
- Q How old was she when the war come up? A 18 or 20.
- Q About grown? A Yes sir.
- Q You dont know what becoed of her during the war? A No sir.
- Q Dont know wht becoed of her during the war? A No sir.
- Q You say she was called Rose? A Yes sir, her Indian name was Gewana, she talked good Indian.
- Q She had two names then? A Yes sir an Indian name and an English name.
- Q Rose was her English name? A Yes sir.
- Q Have you ever seen her since that time? A No sir.
- Q Did you ever see this woman Mariah Reynolds? A No sir.
- Q You dont know then that Mariah Reynolds is not the same woman that you knew as Rose do you? A No sir.
- Q All you knew of the slaves that Redbird Woodard owned was that Rose she was the only one you knew, he might have had others that you didnt know of? A Yes sir he might have some wheres else of course.

This will be filed with the original application and with G.P.D. 824.

Ghas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 12th of November, 1901


Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Mariah Reynolds, et al., as Cherokee Freedmen, consolidating the
applications of:

Mariah Reynolds, et al., Cherokee Freedmen D-802,
Susie Lowe, et al., Cherokee Freedmen D-824.

D E C I S I O N.

The record herein shows that applications for enrollment
as Cherokee Freedmen were made to this Commission by Mariah Reynolds
for herself, her adult son, Wiley Carter, and her minor son, John
Carter; and by Susie Lowe for herself and her two minor children
Needa and Frank Lowe.

It does not appear that the said Mariah Reynolds was
the slave of a Cherokee citizen, or a free colored person, residing
in the Cherokee Nation at the commencement of the rebellion. The
evidence shows, however, that she went to Kansas during the rebellion
and returned to the Cherokee Nation, finding Esau Fox living in
said Nation upon her return. The Commission has found in the case
of Esau Fox et al., Cherokee Freedmen D-508, that he did not return
to the Cherokee Nation within the time specified, in the decree
of the Court of Claims rendered February 5, 1896, in the case of
Mosce Whitmire, trustee, etc., vs. The Cherokee Nation, et al.,
for the return of freedmen to said Nation.

The evidence further shows that all the other applicants
herein were born since 1866; that they are the descendants of the
said Mariah Reynolds and have no rights to enrollment except such
as they may have derived through her. The names of none of the
applicants herein are found on the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that
the applications for the enrollment of Mariah Reynolds, John Carter,
Wiley Carter, Susie Lowe, Needa Lowe and Frank Lowe as Cherokee
Freedmen should be denied, under the provisions of section twenty-
one of the Act of Congress, approved June 28, 1893 (30 Stats., 495),
and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) _____
Tams Dixie
Chairman

(Signed) _____
I. B. Neel
Commissioner

Muskogee, Indian Territory,

this Jul 25 1904

(Signed) _____
C. A. Brantley
Commissioner

COPY

Cherokee Freedmen

D) 824-602.

Muskogee, Indian Territory, July 26, 1904.

Hastings, Bell & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the Commission's decision in the consolidated case of Mariah Reynolds, et al., rejecting the applications for the enrollment of Mariah Reynolds and her two minor children, John and Wiley Carter, and Susie Lowe and her two minor children, Needa and Frank Lowe, as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

T. B. Needles.

Encl. B-98.

Commissioner in Charge.

COPY

Cherokee Freedmen

D-824-807.

Muskogee, Indian Territory, July 26, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith inclosed the record of proceedings had in the consolidated case of Mariah Reynolds, et al., including the Commission's decision dated July 23, 1904, rejecting the applications for the enrollment of Mariah Reynolds and her two minor children, John and Wiley Carter, and Susie Lowe and her two minor children, Nedda and Frank Lowe, as Cherokee freedmen.

Respectfully,

T. B. Needles.

Encl. 99.

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

(C O P Y)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS

Refer in reply WASHINGTON, September 3, 1904.
to the following:
 Land
52067-1904.

The Honorable ,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated July 26, 1904, transmitting the record of the application for enrollment as Cherokee freedmen by Mariah Reynolds for herself, her adult son, Wiley Carter, and her minor son, John Carter; by Susie Lowe for herself and her two minor children, Needa and Frank Lowe.

July 23, 1904, the Commission decided adversely to the applicants.

The record shows that Mariah Reynolds and Wiley Carter were not the slaves of a Cherokee citizen at the beginning of the war of the rebellion; that they went out of the Cherokee Nation during the war and returned on some date not clearly shown; that the other applicants were born since 1866; that they are descendants of the said Mariah Reynolds and have no rights to enrollment except such as they may have derived from her.

None of the applicants is identified on the 1880 authenticated Cherokee roll.

The principal applicant, Mariah Reynolds , is identified on the Wallace roll under the name of Maria Redbird.

In view of the record the approval of the Commission 's decision adverse to the applicants, is recommended.

Very respectfully,

W. A. Jones
Commissioner

M.M.M.

W.

(COPY)

J.P.

W.C.F.

DEPARTMENT OF THE INTERIOR
WASHINGTON.

LLB

I.T.D. 7146-1904

September 10, 1904.

Commission to the five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

July 26, 1904, you transmitted the record in the Cherokee freedman case of Mariah Reynolds et al., including your decision of July 23, 1904, rejecting the application for the enrollment of Mariah Reynolds and her two minor children, John and Wiley Carter, and of Susie Lowe and her two minor children, Needa and Frank Lowe.

Reporting September 3, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is enclosed.

The Department concurs in said recommendation and your decision is affirmed.

Respectfully,

(Signed) Thos Ryan
Acting Secretary

1 inclosure

COPY.

Cherokee Freedmen
D 824

Muskogee, Indian Territory, October 4, 1904.

Essie Lowe,
Tulsa, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated July 23, 1904, rejecting, among others, the application for the enrollment of yourself and your two minor children, Nedda and Frank Lowe, as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 10, 1904.

Respectfully,

(SIGNED) *Tame Bixby.*
Chairman.

COPY.

Cherokee Freedmen
D 802, et al.,

Muskogee, Indian Territory, October 4, 1904.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated July 23, 1904, rejecting the applications for the enrollment of Mariah Reynolds, John and Wiley Carter, and Susie, Needa and Frank Lowe as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 10, 1904.

Respectfully,

(SIGNED)

Tame Bibby.
Chairman.

Muskogee, Indian Territory, January 7, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There are enclosed motions, filed June 25, 1906 by Thomas & Foreman, Attorneys, Muskogee, Indian Territory, for a rehearing of the Cherokee freedmen cases of Mariah Reynolds, et al., and Susie Lowe, et al. There is also enclosed a motion for a rehearing of these cases, filed June 26, 1906, by Kappler & Merrillat, Attorneys, Washington, D. C. The reply of the Cherokee Nation to all of these motions, filed July 17, 1906, is also enclosed.

With their letter of November 14, received November 15, 1906, Messrs. Elliott & Ramsey, Attorneys of Tulsa, Indian Territory, forwarded affidavits by Mariah Reynolds, John Lowe, Edie Westbrook, Dennis Vann and Charley Woodard, which they request be filed "in support of the motion to rehear the cases of Mariah Reynolds, et al." These affidavits are also enclosed. The decision of the Commission to the Five Civilized Tribes, dated July 23, 1904, rejecting the consolidated Cherokee freedmen cases of Mariah Reynolds, et al., D-802, and Susie Lowe, et al., D-824, was affirmed by the Department, September 10, 1906 (I.T.D. 7144-1904).

The evidence now sought to be introduced is only cumulative. When the case was heard before the Commission the principal applicant, Mariah Reynolds, through whom all the other applicants in the case claim, alleged that she returned to the Cherokee Nation with the Webber-Whitmire-Foreman colony of Cherokee freedmen who returned from the State of Kansas to the Cherokee Nation after the War of the Rebellion. The Commission to the Five Civilized Tribes found that Mariah Reynolds was not the slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the commencement of the War of the Rebellion, and that she did not return to the Cherokee Nation within the time limited by the treaty of 1866.

Reporting on the case September 3, 1904 (Land 52067-1904), the Indian Office found that Mariah Reynolds was not the slave of a Cherokee citizen at the beginning of the War of the Rebellion.

Even if Mariah Reynolds could establish that she was the slave of a Cherokee citizen at the commencement of the War of the Rebellion, as now contended, that fact would not be sufficient to entitle her to a rehearing. This office has at various times reported to the Department that the families of the members of the Webber-Whitmire-Foreman-Sanders colony of Cherokee freedmen did not return to the Cherokee Nation until the latter part of February or first of March, 1867, subsequent to the time limited by the treaty of 1866. The records in numerous Cherokee freedmen cases show positively and conclusively that no women or children returned to the Cherokee Nation after the war with that colony of freedmen until subsequent to February 11, 1867.

It is, therefore, respectfully recommended that all of the motions herewith transmitted be denied.

The motion of Susie (signed Nellie) Love includes her child, Gracie Love, aged three years as shown by the affidavit of John Love. A careful examination of the records of this office fails to show that any application was made for its enrollment under the provisions of the Act of Congress approved April 26, 1906 (34 Stat. 137).

Respectfully,

Through the Commissioner
of Indian Affairs.

Commissioner.

Encl. H-72
JMH

Land.
2934-1907
6208- "

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON/ February 13, 1907

(COPY)

The Honorable,
The Secretary of the Interior.

Sir:

Referring to Departmental letter of September 10, 1904 (I. T. D. 7146-1904), affirming the decision of the Commission to the Five Civilized Tribes of July 23, 1904, rejecting the application of Mariah Reynolds, et al., and Susie Lowe, et al., for enrollment as Cherokee freedmen, I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated January 7, 1907, and enclosing motions filed in his office June 25, 1906, by Thomas & Foreman, attorneys, Muskogee, I. T., for a re-hearing; also a motion filed June 26, 1906, by Kappler & Merrillat, attorneys, of this city, and the reply of the Cherokee Nation thereto, filed July 17, 1906; also a communication of the Commissioner dated January 17, 1907, reporting on Departmental letter of January 10, 1907 (I. T. D. 193-1907).

In support of the motion, there was filed with the Commissioner on November 15, 1906, the affidavits of Mariah Reynolds, John Lowe, Katie Westbrook, Dennis Vann and Charley Woodard, in which it is alleged that Mariah Reynolds, who is the principal applicant, and through whom all the other applicants claim,

was a slave belonging to the Woodard family and was born and reared on the plantation Woodard on Honey Creek, in the Cherokee Nation; that during the Civil War, she, in company with others of her race, went to the State of Kansas, where she remained until the Fall of 1866, when she returned to the Cherokee Nation with, among others, Billie Foreman, Sam Weber, Sr., and Sam Weber, Jr., and that she returned to the Cherokee Nation in the Fall of 1866. The other affidavits are of the same general tenor.

All of this evidence was considered in the original application, and is therefore cumulative, and cannot be considered as newly discovered evidence. The Commission to the Five Civilized Tribes found, as a fact, that Mariah Reynolds was not the slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the commencement of the Civil War; and further found that she did not return to the Cherokee Nation within the time limited by the treaty of 1866. Even if it could be established that she was the slave of a Cherokee citizen at the commencement of the Civil War, that fact would not entitle her to a re-hearing.

From her own testimony, she returned to the Cherokee Nation with the Whitmire-Weber-Foreman colony of Cherokee freedmen, and it has been conclusively established in various cases that this colony did not return to the Cherokee Nation until the latter part of February or the first of March, 1867, which was after the time limited by the treaty of 1866.

The records of numerous cases show conclusively that no woman or children returned to the Cherokee Nation after the Civil War with this colony of freedmen until subsequent to February 11, 1867.

The motion signed by Susie Lowe is made to include her child, Gracie Lowe, aged three years, as shown by the affidavit of John Lowe.

The Commissioner reports that an examination of the records of his office fails to show that any application was made for the enrollment of this child, under the provisions of the Act of Congress approved April 26, 1906 (34 Stat. L., 137).

In view of the record in this case, the Office respectfully concurs in the recommendation of the Commissioner that all of the motions enclosed herewith be denied.

The record is enclosed herewith.

Very respectfully,

EVE--SD

C. F. Larrabee

Acting Commissioner.

(COPY)

F. P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON,

FILE.

D. C. 9639-1907.
I. T. D. 3204-1907.
L. M. S.
Direct.

February 13, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Department is in receipt of your letter of January 7, 1907, submitting motions for rehearing in the Cherokee freedman case of Mariah Reynolds, et al., and Susie Lewis, et al.

In accordance with the recommendations contained in your letter and in Indian Office letter of February 13, 1907 (Land 6306-07), copy inclosed, submitting the papers in the case, all the motions are denied.

Even if the motions presented a prima facie case for further investigation, the Department would not be warranted in ordering a rehearing, in view of the provision in section 137 of the act of April 28, 1906 (34 Stat., 137), relative to the completion of the rolls of the Five Civilized Tribes.

The Indian Office will advise the local attorney of this action. The papers in the matter and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Thos. Ryan

First Assistant Secretary.

1 inc. and 13 for Ind. Of.

WTR
2-14-07.

Charleston 2 748

COPY

Muskogee, Indian Territory, March 6, 1907.

Bessie Lowe,

Tulsa, Indian Territory.

Dear madam:

You are hereby advised that the motion for rehearing in the matter of the application for the enrollment of yourself and children, filed June 25, 1906, by your attorneys, Thomas & Foreman, was denied by the Secretary of the Interior February 13, 1907.

Respectfully,

SIGNED *Wm. B. Rice*
Commissioner.

Cherokee R 748

COPY

Muskogee, Indian Territory, March 8, 1907.

Thomas A. Foreman,

Attorneys for Susie Lowe, et al.,
Muskogee, Indian Territory.

Dear sirs:

You are hereby advised that the motion for rehearing in the matter of the application for the enrollment of Susie Lowe, et al., filed by you June 25, 1906, was denied by the Secretary of the Interior February 13, 1907.

For your information, there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

SIGNED *Tams*
Commissioner.

Enc. N-43

MH

COPY

Cherokee R 740

Muskogee, Indian Territory, March 6, 1907.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear sir:

You are hereby advised that the motion for rehearing in the matter of the application for the enrollment of Susie Lowe, et al., filed June 28, 1906, by their attorneys, Thomas & Foreman, was denied by the Secretary of the Interior February 13, 1907.

For your information, there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

SIGNED *Tams Pixby*,
Commissioner.

Enc. M-44

MH

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT

SS

In the matter of the application of Lucie
Laws for enrollment as a Cherokee Freedman.

No. F. D. 824

Henry Pack of lawful age, being duly sworn on
oath states that on the 20th day of September, A. D., 1901, he registered
to Lucie Laws whose postoffice is Lulsa

Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto
attaches the receipt of the Postmaster at Foot Gibson Indian Territory;
and that on the 16th day of October, 1901, he received the return
card which is hereto attached, signed by the said Lucie Laws, showing
that he had received said notice.

Subscribed and sworn to before me on this the 16th day of Oct A. D. 1901.

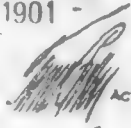
J. C. Starr
Notary Public.

FD 824

N

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 16 1901



ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Susie Lowe
for enrollment as Cherokee Freedmen:

Case No. F. D. 824

To Susie Lowe Tulsa I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 18th 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

L. B. Bell

W. W. Hastings
J. S. Davidson
Attorneys for the Cherokee Nation.

①

70824

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JUN 13 1901



ACTING CHAIRMAN

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MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 22 1901

Post Office Tulsa T.

District 100

1. Name _____ Age _____
 Owner's name _____ Citizenship _____
 Year _____ Page _____ No. _____ District _____
 Parents: _____
 Father _____
 Mother _____ Citizenship _____

1. Name of wife Lizzie Lowe Age 23
 Owner's name _____ Citizenship _____
 Year Wallace Page 135 - No. 2832 District 100
 Parents: _____
 Father Geo. Carter Citizenship _____
 Mother Maria Reynolds Citizenship _____
 Names of Children:

2	<u>Needa Lowe</u>	Year _____	Page _____	No. _____	Dist. _____	2
3	<u>Frank</u>	Year _____	Page _____	No. _____	Dist. _____	6 1/2
5.		Year _____	Page _____	No. _____	Dist. _____	
6.		Year _____	Page _____	No. _____	Dist. _____	
7.		Year _____	Page _____	No. _____	Dist. _____	
8.		Year _____	Page _____	No. _____	Dist. _____	
9.		Year _____	Page _____	No. _____	Dist. _____	
10.		Year _____	Page _____	No. _____	Dist. _____	
11.		Year _____	Page _____	No. _____	Dist. _____	
12.		Year _____	Page _____	No. _____	Dist. _____	

Application made by Jno. Lowe Stenographer Al. Jones

1 On Wallace roll as Susan Redbird
 2 and 3, Birth affidavits required.

X Ref D 802

Handwritten scribble

MAR 23 1962

Handwritten signature

MAR 23 1962

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Susie Lowe,
Tulsa, I. T.
Cherokee-F-D-824.
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cher. Fr. R. 749

Trans. from C. Fr. D. 827

Cher. Fr. R. 749

Commissioner.

(Signed) J. D. Keogh

Subscribed and sworn to before me this 17th day of 1901.

(Signed) M. J. Green

and complete transcripts of his stenographic notes thereof. I fully and thoroughly in this case and that the records in a file numbered of the five original copies be correctly recorded in the M. J. Green, being filed by me, states that he is the

of.

action of the Commission in the premises when same is received
action of the Commission; she will be notified by mail or the
the Commission, or a doubtful card, awaiting further completion.
reference thereto will now be filed for enrollment as a Green-
that she is now married to Ernest Huetner, a New Yorker, and
latter Rogers, and that her mother, a woman, is a Green-
indicated in the settlement she said that she is a child of
difficult to find out the age and number of the child of
of the census roll of 1880, and is identified from the roll of
the same be identified from the census roll of 1880
Court records. Florence Bradford is the enrollment of her name.

know.
do you know how long she remains
of something like a year. V. A. No. 1
of a few weeks or days before
of how long before the marriage
of know was that a some time before

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE CIVIL SERVICE
JULY 1901

60

To be filed with the case of Eddie Rogers, U. F. D. 795.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. June 21st 1901.

In the matter of the application of Florence Bratcher for enrollment as a Cherokee Freedman; she being sworn by Commissioner T. B. Needles, testified as follows:

Mellette & Smith attorneys for applicant.
W. W. Hastings, attorney for the Cherokee Nation.

(By Com'r Needles:)

- Q What is your name? A. Florence Bratcher.
Q How old are you? A. 25.
Q What is your post office address? A. Chouteau.
Q In what district do you live? A. Cooweescoowee
Q Do you apply to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who do you want to have enrolled besides yourself? A. No one.
Q What is your father's name? A. Ike Rogers.
Q Is he living? A. No sir.
Q What is your mothers name? A. Caroline Rogers.
Q Is she living? A. No sir.
Q Are you married? A. Yes sir
Q What is your husband's name? A. Ernest Bratcher.

(By Mr. Mellette-)

- Q Where were you born? A. In Cooweescoowee district, Cherokee Nation.
Q Where have you lived since that time? A. Right here.
Q You say your father's name was Ike Rogers? A. Yes sir.

(By W. W. Hastings)

- Q What part of Cooweescoowee district were you born? A. I think I was born in Gooseneck bend.
Q Your mother was a state woman? A. Yes sir.
Q What was her name before she married your father? A. James.
Q Is she living? A. No sir.
Q Your father is dead? A. Yes sir.
Q Which died first, your father or your mother? A. My mother.
Q You were born in Gooseneck Bend? A. Yes sir,
Q How long did you continue to reside there, or in other words, how old were you when you left there? A. I dont know.
Q Where were you when you can first remember? A. We were over here on Grand river.
Q Near Chouteau? A. No sir, since I have married I have lived near Chouteau.
Q What settlement were you in then? A. I dont remember.
Q Who were you living with? A. My father and mother.
Q How long did you live there? A. I dont just know how long.
Q And you dont remember your neighbors around here? A. No sir.
Q Who is the first person you do remember living with? A. I never lived with any one but my mother and father up there.
Q Do you know if your father and mother were ever married? A. No sir, I dont know that, except that I understood they were.
Q But you dont know that? A. No sir.
Q After your father and mother separated who did you live with? A. I dont remember just when they separated.
Q But when they did you lived with your mother didn't you? A. Yes sir
Q Where did you live with her? A. I was told that she went to Coffeyville
Q Dont you remember anything prior to your mother's and father's separation? A. No sir.
Q When you were old enough to remember where were you living? A. She went up to visit her people at Garnett, Kansas, my papa's mamma lived up there and she went up there to see ~~them~~ her.
Q How old were you then? A. 7 about.
Q How long did you stay there? A. I dont know just how long.
Q Until you were grown? A. No sir.
Q How many years? A. I dont think we staid a year.
Q Where did you go then? A. My mamma come back to Coffeyville, and then come to Possum creek, I believe that is what they call it, where Jos Rider

an uncle of mine lived.

Q How long did you stay there? A. 7 or 8 months.

Q Where did you go then? A. My mamma went away then and I went and staid with my grandmamma, James.

Q Where was she living? A. In Ottawa, Kansas.

Q How long did you stay there? A. I staid there a year and then went to school and come back to my papa's.

Q Where did you go to school? A Denver, Colorado

Q When was the first time that you come back to see your papa? A I dont remember the year.

Q You dont remember the year that you came back to see your papa? A Yes sir I come back every year.

Q Where was your papa living when you first come back to see him? A He was living at Gooseneck Bend then.

Q Was he married then? A. Yes sir.

Q Did he have a place up there then? A. He called it his place'

Q Did you get acquainted with any of his neighbors at that time? A. I got acquainted with his wife at that time, she is dead now, she was my step mother.

Q Did they have any children then? A. Yes sir.

Q How many? A. Two,

Q Well their names please? A Nelson and Cooley.

Q How old was Nelson at that time? A. Must have been about five years old.

Q Who married you when you married? A. A man named—I cant think of it just now—I married in Wagoner.

Q You dont remember his name? A Yes sir, his name is right on my tongue

Q When were you married? A. Two years ago.

Q Are you living in Wagoner now? A. No sir in Chouteau, four miles west of there

Q How long have you lived there? A. Had a place there quite a while, but my husband was running a woid yard in Wagoner.

Q How long had you been in Wagoner when you married? A. Not long, come there like tonight and married to-morrow.

Q Where did you come from to Wagoner? A. Coffeyville where I had been visiting my grandmother.

Q Your grandmother raised you didn't she? A. No sir.

Q You never lived with your father did you? A. I come to see him off and on, but my mother mostly raised me.

Q Where did your mother die? A In Colorado.

Q In Denver? A No sir out from there at Pueblo.

Q How far from Denver? A. I dont know.

Q How far from where you went to school? A. I dont know, I went to school in Denver.

Q You were never in Pueblo yourself? A. Just come through there coming home.

Q Where was your mother living when you went to school in Denver? A She was cooking in Denver and went from there to where she died.

Q How long had she been in Denver cooking? A. Off and on for a year.

Q When did your mother go to Denver? A. She went from here after my father and her separated, she went there, and I was left at my grand-mother, and then she sent for me to come and go to school.

Q The fact is that you were raised by your mother until she died? A I was there going to school and I would come to see my papa off and on every year.

(By the Commission)

Q Where were you born? A. In Gooseneck bend.

Q In the Cherokee Nation? A. Yes sir.

Q How long did you live there before you went to Kansas? A I dont know how old I was when my mamma went to Kansas.

Q Where can you first recollect being? A. At Garnett, Kansas.

(By Mr. Mellette)

Q Your father lived here all the time? A. Yes sir.

Q You were with your father and step mother part of the time? A. Yes sir

Q You were under age at that time? A. Yes sir.

Q What rolls are you on? A. I dont know, I know I am on the Kern Clifton roll.

The Kern Clifton roll examined and the name of the applicant is identified thereon as follows:
page 104 No. 2591, Florence Rogers, Goodies Bluff District.
WALLACE ROLL, page 185, No. 3397, Florence Rogers, (District not given)
The 1880 authenticated roll of the Cherokee Nation examined and the applicant not found.
The Census roll of 1898 examined and the name of the applicant not found thereon.

(By Mr. Mellette)

Q You dont know anything about the marriage of your father and mother?
A No sir I dont only what I was told.
Q Where were you when the Kern Clifton roll was made? A With my step mother.
Q Over in Goose neck bend? A. Six miles from here at Goodies Bluff.
Q Where have you been since that time? A. In the Territory
Q You were here when the Kern Clifton payment was made and ever since?
A Yes sir.
Q How long before the Kern Clifton roll was made had you been here? A I was here quite a while before the Kern Clifton roll was made.
Q How many years had you been back when the Kern Clifton roll was made?
A Two years.
Q Were you of age when the Kern Clifton roll was made? A. I was about twenty at that time.

(By Hastings)

Q You were over eighteen years old then? A. I never paid any particular attention, I was 18 or 20.
Q If you were 18, you were of age then weren't you? A. Yes sir.
Q You came directly from Denver to that enrollment didn't you? A No sir
Q You hadn't seen your father since you were a baby? A Yes sir.
Q Where were you staying the time that enrollment was made? A. In the Territory.
Q Where? A. With my father, and a part of the time in Coffeyville.
Q Where was your father staying at that time? A. In the Territory.
Q Where in the Territory? A. On Grand river.
Q During the Cherokee payment? A. Here at Nowata, 6 miles east of here at Goodies Bluff.
Q And you lived with him at the time of the payment did you? A. Yes sir
Q Were you living with him at the time the enrollment was made, before the payment? A. Yes sir with him and with my grandmother.
Q Were you living with your father? A. Yes sir and I went to Coffeyville and staid two or three months with my grandmother.
Q Did you know Henry Armstrong over there? A. Yes sir, that is the man he bought the place from over there.
Q Did you get acquainted with other people over there? A. I got acquainted with a good many over there but I didn't visit any.
Q No one over there knows you then? A. Yes sir there is lots of folks there that knows me that I dont know.
Q I mean that knows you when you lived there at Goodies Bluff with your father? A. I dont know exactly who all I do know.
Q Cant you name any of them? A Lots of them lived there in the settlement I never visited much, I wasn't allowed to go out much.

EASTER WILLIAMS, called and sworn as a witness, testified as follows for the applicant-

(By Mr. Mellette)

Q What is your name? A. Easter Williams.
Q Are you sometimes known as Easter Grinnett? A Yes sir.
Q What is your age? A. About 50
Q Where do you live? A. On Big creek.
Q Are you a freedman citizen of the Cherokee Nation and on the authenticated roll? A Yes sir.
Q Do you know the applicant? A. I am well acquainted with her father.
Q Who was her father? A Ike Rogers.
Q Was he a slave in the Cherokee Nation before the war? A. Yes sir.
Q Who owned him? A Peter and Eliza May.
Q They were Cherokee citizens? A. Yes sir.
Q Where were they living when the war came up? A On Grand river at Locust Grove.

- Q Do you know if he went out of the Cherokee Nation during the war? A He was a soldier.
- Q When did he return? A I dont know.
- Q When did you see him after the war? A. I saw him in Gooseneck Bend some 25 or 26 years ago.
- Q Do you know this girls mother? A. Yes sir, she was a state woman.
- Q Do you know if Ike Rogers and this girls mother were ever married? A I dont know.
- Q Did they live together as man and wife? A. Yes sir.
- Q And where did they live? A. In Gooseneck bend.
- Q How long ago did you know them? A I has always knowed Ike, he was a soldier.
- Q What do you know of this applicant being the child of Ike and Caroline Rogers? A They claimed they had a daughter going to school in the states
- Q Do you know that this is Ike's child by Caroline? A. That is what Ike's mother claims.
- Q You dont know it yourself? A. No sir.
- (By Hastings)
- Q You never did know this girl before? A. I have seed her in the Territory since she was small, off and on.
- Q When did you see her the last time? A. I cant tell exactly when it was, it has been 10 years though about.
- Q For the last ten years? A. Yes sir.
- Q Where had she been living until that time? A. Coffeyville, Wagoner and at her grand mother's
- Q Where is her mother? A Dead I suppose.
- Q Where did she die? A. I dont know.
- Q Did she do as Ike's wife? A I suppose so.
- Q You never heard of them being separated? A. No sir.
- Q Where was you living 25 years ago? A. Up here at Timber hill.
- Q How far from Gooseneck bend? A. Must be 30 or 40 miles.
- Q You wasn't at his house when he was living with this girls mother? A Yes sir and they said that this child was then at school.
- Q Her supposed mother was there then? A. Yes sir.
- Q That was when they said that this girl was away at school? A. Yes sir
- Q When was that? A. 20 years or so ago.
- Q Where was Ike and this woman's mother living together then? A. On Gooseneck.
- Q You dont know how old this girl was then? A. No sir.
- Q You continued to see Ike and this woman living together after that? A No sir, you cant keep up with you men in this country, they marry so often, they are so bad after women.
- Q If Ike were living and testified that he and this woman's mother had separated in '78, he would be mistaken would he? A. I dont know.
- Q You dont remember seeing this girl there herself? A. They said she was away at school.
- Q How long did you stay there at that time? A. No time at all, I was just visiting there.
- Q Are you any kin to Ben Grinnett? A Yes sir his sister.
- (By the Commission)
- Q Do you know whether Ike was married before he married Caroline? A No sir I dont.
- Q Do you know if Caroline was married before she married him? A. No sir I dont.
- Q Do you know if they were ever married at all? A. No sir I dont.
- Q How long did they live together as man and wife? A. I dont know.
- Q When did they separate? A. I cant tell, I seed them over 20 years ago
- Q You stated a while ago that they lived together until she died or that she died as Ike Roger's wife? A Yes sir I did and Mr. Hastings made light of it.
- Q You think now they separated? A Yes sir.
- Q Do you know how old this woman was when they separated? A. No sir.
- Q Were they acknowledged in that community as man and wife? A. Yes sir.
- Q Did they have any children? A. Yes sir, this girl and a boy.
- Q What was his name? A. Luther.
- Q You knew Luther did you? A. Yes sir.
- Q But never knew this girl until a few years ago? A No sir.
- Q And they said she was at school the time you was at their house? A Yes sir.

Q Where? A In Kansas I suppose.

(By Mr. Hastings)

Q You never lived on the same place with Ike did you? A. No sir, I lived up there and it was 40 miles from him, you know none of us niggers never lived in the same neighborhood; she is a Cherokee nigger though, yes sir, she is a Cherokee nigger.

POLLY NEVINS, called and sworn as a witness for the applicant, testified as follows:

(By Mr. Mellette)

Q What is your name? A. Polly Nevins.

Q What is your post office? A. Fort Gibson.

Q What is your age? A. 56.

Q Are you on the authenticated ~~old~~ freedman roll of the Cherokee Nation?

A Yes sir.

Q Freedman of the Cherokee Nation? A. Yes sir.

Q Always have been recognized? A. Yes sir.

Q Do you know Ike Rogers? A. Yes sir.

Q Did you know him before the war? A. No sir, just after peace was made

Q Where at? A. Fort Gibson

Q How long after that did you know him? A. Off and on all the time after that.

Q When did you get acquainted with him? A. Well it was just after peace he had on soldiers clothes, and I went to a dance and danced with him and I asked him if he was a soldier and he said, no he just had on soldiers clothes then.

Q When was that? A. When the refugees was refugeeing back home.

Q How long did you see him after that? A. Oh off and on, went with him ~~several times~~ to several dances all the balance of that summer.

Q Did you see him after that up to the time he died? A. Yes sir, off and on.

Q Where did you see him? A. There in Fort Gibson.

Q How well did you know him after that? A. Just passing and re-passing in Fort Gibson when he would come in and I would see him.

Q You dont know where he lived? A. No sir.

(By Hastings)

Q What was your master's name? A. My master?

Q Yes sir? A. Malinda Thompson.

Q By what name are you on the roll of 1880? A. Polly Nevins.

Q In what district? A. Illinois.

Q How old are you? A. About 56 years old.

Q What year were you born in? A. I dont know exactly.

Q Were you the wife of Henry Ross? A. Yes sir

Q Were you living with Henry Ross in '66? A. No sir.

Q Who with? A. My mother.

Q What was her name? A. Sally Smith, her husband was a Baker.

Q In what part of Fort Gibson did you live in? A. Right at the Niven's Ferry, I was bred, born and raised there.

Q That was the crossing to Muskogee? A. Yes sir, right where July Niven lives.

Q Living right there? A. Yes sir, through the was I came to Fort Gibson.

Q Where did you come to after the war? A. My mother lived on the Bayou

Q You say you saw Ike Rogers after the war at Fort Gibson? A. Yes sir I danced with him enough to know him.

Q You dont know the year it was? A. No sir.

Q You never had any occasion to keep the dates? A. No sir, I was a young lady then.

Q You have been a witness in a good many cases haven't you? A. Yes sir in all those I know of, none but them though.

Q Ike didn't stay there very long did he? A. No sir just come in and forth.

Q You dont know where he really lived? A. No sir.

Q You dont know where he married? A. No sir.

Q You dont know how long after the war he was single? A. No sir.

Q You dont know anything of this girl? A. No sir.

Q You never say her in Denver did you? A. No sir, he told me he was married.

Q Didn't tell you that until after you had been going with him did he?
A I asked him, I heard he was.
Q He had tried to make you believe he was single? A. Yes sir he went around as though he was.
Q And you found out after that he was trying to fool you? A. Well he was trying to go it as a single man with us gals, and I asked him about it, and he said he was but that his wife was not here.

GEORGE VANN, called and sworn as a witness for the applicant, testified as follows-

(By Mr. Mellette)

Q What is your name? A. George Vann.
Q What is your age? A. 51.
Q In what district do you live? A. Cooweescoowee.
Q Are you a recognized freedman of the Cherokee Nation? A. Yes sir.
Q On the authenticated roll of 1880? A. Yes sir.
Q Did you know Ike Rogers? A. Yes sir.
Q How long did you know him? A Ever since I can recollect.
Q Where did he live before the war? A East of the old Bryant place on Grand river.
Q When did you first see him after the war? A. I think it was, as near as I can recollect, before Christmas in '66.
Q Where was he during the war? A. He was a soldier.
Q Did he continue to live in this country after that? A. Yes sir I saw him off and on.
Q What was his business? A. He was most any kind of a man, carpenter, plasterer.
Q The late years of his life what was he? A. He was a marshal
Q What about his applicant, how long have you known her? A Ever since she was a little girl.
Q Where did you first see her? A. At Batey Mills.
Q Did Ike Rogers live there? A. Yes sir
Q Did her mother live there? A. Yes sir.
Q What was her mothers name? A. Caroline James; I saw her first at Ottawa
Q You saw them living together as man and wife? A. Yes sir.
Q What do you know of them being married? A. He said they were married; the first I got acquainted with the James' it was at Ottawa, Kansas at a celebration, and I next saw her down here with Ike Rogers.
Q You knew this applicant as a baby? A Yes sir, always known here as being the child of Ike Rogers.
Q What did you know of Ike and Caroline being married? A They lived together as man and wife, I wasn't at the wedding.
(By Hastings)
Q How long did they live together? A. I dont know.
Q About what year did you first see them living together? A I think it was in '76.
Q Was this girl born at that time? A. This girl was a baby, a little bit of a baby.
Q She had no brothers or sisters? A. She had one brother.
Q Older or younger then she was? A. Younger.
Q Did you see him at that time? A. No sir.
Q When did you next see Ike living with this woman? A. A year or two after that.
Q You are not so correct about dates are you George? A No sir not absolute.
Q You had no occasion to notice particularly? A No sir.
Q How long did she continue to live with this woman as husband and wife? A Not very long after that until they separated.
Q Where did she go? A. I dont know, I think she went to Kansas.
Q And Ike married again? A. Yes sir.
Q After they parted, what was the last place what you saw this girl?
A The next time that I saw this girl was at the Wallace court.
Q Where at? A. Vinita.
Q Where was her mother living then? A I dont know.
Q Where was she, this applicant, living then? A. I dont know, I just saw her down there.
Q When did you next see her? A. I saw her the next time,—the next time

I seed her was before the Kern Giffon court.

Q About how long before the Court may? A 4 or 5 months.

Q ~~Have~~ You have a more distinct recollection of seeing her at this enrollment? A Yes sir, and at Muskogee and Wagoner.

Q Where was her mother then? A. I dont know

Q Ike was killed wasn't he? A. Yes sir.

Q How far were you living from Ike when he was killed? A. I dont know

Q How far did you live from Goodies Bluff? A 12 miles.

Q Have you been at his house there? A Yes sir.

Q Very frequently before he got killed? A. Yes sir.

Q You are not positive as to the first time after the war that you saw him? A. No sir, nor, I think it was just before Christmas of '66 though I wont be positive, it might not have been.

Q Where did you ever see ~~him~~ him before? A. At Ben Albert and John Albert's place.

Q Passing on the road? A. Yes sir.

Q And you never saw him from that time after that? A. No sir.

(By Mellette)

Q He was a slave? A. Yes sir.

Q Where did you see him as a soldier? A. At Fort Gibson when he went south, and after the war when he was mustered out because he came by Ottawa.

Q Where was he going then? A He told me he was going---

(Here attorneys for the Nation and for the applicant have an argument as to the law relating to the above question, said argument not being taken down, by order of the Commissioner)

By Com'r Needles--

Well let the question go for what it is worth and we can decide later if it is proper.

(By Mr. Mellette of witness)

Q Well what did he say? A He said he was going to Fort Gibson

Q You saw him in Ottawa Kansas? A Yes sir.

Q Where was he coming from? A Leavenworth.

(By Hastings)

Q You was just a boy then, what occasion did you have to meet up with Ike Rogers and have a talk with him? A. I didn't meet up with him, I will have to tell you about that.

Q You were about 16 years old then? A Yes sir I guess so.

Q Well how did you happen to have that talk with Ike Rogers? A Well sir, I was in prison and had just got out and this here Ike Rogers and the Beans and a whole passel of them come through there where I was and said they was going to Fort Gibson.

Q Who said they was going to Fort Gibson, which one of the passel? A Well Ike he said that they was going to Fort Gibson, that was how the conversation come up.

Q How long was that before you come down here? A In '65, the year before I come down here.

Q You wasn't but 16 years old then were you? A. No sir I guess not.

Q You are the man that was the captain in the Horse creek fight? A. Yes sir.

(CONTINUED BY STENOGRAPHER M. D. GREEN.)

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the avoc cause and that the foregoing is a full true and correct transcript of his stenographic notes therein.

(signed) Chas. von Weise.

Subscribed and sworn to before me this the 2d day of July, 1901 at Nowata, I. T.

(signed) T. B. Needles,
Commissioner.

In re application of Florence Bratcher for enrollment as a Cherokee Freedman: June 21st, 1901.
Continued from former portion taken by stenographer Chas. von Weise.

APPEARANCES:

Mr. Mellette, of Mellette & Smith, for applicant;
Mr. Hastings, for the Cherokee Nation.

JOHN J. ROSE, being sworn by Com'r Needles, testified as follows:

By Mr. Mellette-

Q State your name? A. John J. Rose.

Q What is your age? A. 54.

Q Where do you live? A. Near Lenapah, Cherokee Nation.

Q How long have you lived in the Cherokee Nation? A. About 27 years.

Q You know the applicant, Florence Bratcher? A I do.

Q Whose daughter is she? A. Ike Rogers, deceased, Cherokee Freedman.

Q Who was her mother? A. Her mother, I don't know her parents, I was acquainted with her as Caroline Rogers.

Q Where did they live, when you knew them? A. On the west side of the Virdigris river, right above Gooseneck bend or right opposite Gooselake, where the Eli Vann place is.

Q Were they man and wife? A. They lived together as such. I didn't see them married.

Q When did you first know this applicant? A She was about a years and a half old the first time I saw her, just about.

Q Have you seen her since that time? A. Yes sir, I have saw her all along ever since that, I wouldn't see her every year but I would see her from time to time that I got it, and she was Ike's child all right.

(By Mr. Hastings)

Q Where do you live? A. I live five miles north of Lenapah, Cherokee Nation.

Q How far is that from Gooseneck? A. About three miles and a half.

~~Q How long did you continue to know Ike Rogers and this woman living together.~~ Q How long after you know Ike Rogers and this woman living together did you continue to know them as man and wife?

A Well I think it must have been perhaps in the next year.

Q That spring? A Yes sir.

Q You know where they went to? A. No, not my own knowledge.

Q You know where she said she was going? A. She didn't say to me where she was going.

Q Did Ike tell you where she went? A. Told me she had gone to her mother, but didn't tell me the place.

Q Didn't tell you where she lived? A. No sir.

Q Did you ever see this girl's mother after that? A. Yes sir, I met her in Coffeyville once.

Q Did she say where she was living? A. No sir, I never asked her.

Q Was this girl with her at that time? A. Yes sir, there was her little boy, at the time they separated she had a little brother, little bit of a fellow, he wasn't more than three or four months old, and that same two was with her since.

Q Did you ever see her mother in the Cherokee Nation after the separation of she and Ike Rogers? A. I don't think I ever did.

Q Where did you ever see this girl afterwards? A. I met her with Ike's mother, heard from her several times, and I met her from time to time, with her relations in the Cherokee Nation, at Gooseneck bend, where Josie Alberty lives, Josh Alberty, I don't know, and I have saw her from time to time at the celebrations.

Q When did you first see her down there with her grandmother? A Oh she was quite a girl, I couldn't tell just how long ago it has been.

Q Number of years afterwards? A. I couldn't tell.

Q She was there on a visit? A. I can't tell what she was doing, I didn't live as close to Gooseneck as I do now, I lived 13 or 14 miles back on California creek.

Q You don't know where this girl was living? A No sir.

Q You just saw her occasionally at these public gatherings? A I saw her at public gatherings, and saw her at private houses, I saw her right where I met her.

COMMISSIONER
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C.

- Q When was that? A Some time before the Wallace roll was made.
- Q How long before the Wallace roll was made? A I couldn't tell you.
- Q A few weeks or days before? A Oh it was longer than that.
- Q Something like a year? A Yes sir, something like that.
- Q You know how long she remained there on that visit? A No sir I don't know.

Com'r Needles, - Florence Bratcher applies for the enrollment of her self; she cannot be identified upon the authenticated roll of 1880 or the census roll of 1890; she is identified upon the Kern Clifton roll according to the page and number of the rolls as indicated in the testimony; she avers that she is a child of Isaac Rogers, and that her mother's name is Caroline; she avers that she is now married to Ernest Bratcher, a non citizen; said Florence Bratcher will now be listed for enrollment as a Cherokee Freedman, on a doubtful card, awaiting further consideration of the Commission; she will be notified by mail of the action of the Commission in the premises when same is arrived at.

M.D.Green, being first duly sworn, states that as stenographer to the Commission of the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.


(signed) M. D. Green.

Subscribed and sworn to before me this June 26, 1901.

(signed) T. B. Needles,
Commissioner.

=====

I, Chas. von Weise, upon my oath state that the above is a true and complete copy of the original.



Subscribed and sworn to before me this 30th of July, 1901.

M.D. Green
Notary Public.

Exhibited and sworn to before me this 13th day of July 1901

[Signature]

Notary Public for the State of New York
I hereby certify that the within and foregoing is a true and correct copy of the original as the same appears in the records of the County of New York in the office of the Clerk of the County of New York.

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COMMISSION TO THE FIVE CENTS
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Department of the Interior,
Commission to the Five Civilized Tribes,
Newata, I. T. March 1901.

In the matter of the application of Eddie Rogers for enrollment as a Cherokee freedman; he being sworn by Commissioner T. B. Needles, testified as follows-

Lewis T. Brown agent for the applicant.

James Davenport Cherokee representative-

By Gen'r Needles,

- Q What is your name? A. Eddie Rogers.
Q What is your post office address? A. Jeffeyville.
Q In what district do you live? A. Coowescoowee.
Q How old are you? A. 21.
Q Do you want to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who do you desire to have enrolled besides yourself? A. Just myself.
Q What is your fathers name? A. Isaac Rogers.
Q Is he living? A. No sir.
Q What is your mothers name? A. Alice.
Q Is she living? A. Yes sir.

By Lewis T. Brown-

- Q Where were you born? A. In Kansas.
Q Where have you lived all your life? A. In the Cherokee Nation.
Q Your father was frequently known as Ike Rogers was he not? A. Yes sir.
Q Do you know Florence Batcher who was enrolled here the other day? A. Yes sir.
Q Who was her father? A. Ike Rogers.
Q Was that the Ike Rogers who was your' after aise? A. Yes sir.

The Kern Clifton roll examined and the name of the applicant found as follows-

Page 103 No. 2588, Eddie Rogers, Coowescoowee district.

Wallace roll examined and the applicant found as follows:

Page 185 No. 3399, Edey Rogers,

The 1896 census roll examined and the applicant found as follows:

Page 417 No. 483, Eddie Rogers, Coowescoowee district.

By Brown: " I desire to introduce in evidence letters of guardianship issued by the authorities of the Cherokee Nation"

By Davenport- " We object to the introduction of these letters as it does not tend to prove the issue."

By Commissioner-

- Q Are you a brother of Florence Batcher? A A half brother.
Q Your mother and her mother are not the same? A. No sir.
Q Was your mother a citizen? A. No sir.
Q Have you any proof of marriage between your mother and father? A. I have witnesses.

By Gen'r Needles,-

Eddie Rogers applied for himself; he cannot be identified on the authenticated roll of 1896, but is identified on the census roll of 1896, the Kern Clifton and Wallace rolls. He swears that he is the son of Isaac and Alice Rogers, and a half brother of Florence Batcher who is listed for enrollment as a Cherokee freedman

on doubtful card 738, and the testimony taken therein is hereby referred to and will be made a part of the record in the case at bar, and a copy of the testimony therein will be filed with this case. The applicant claims through his father Isaac Rogers but makes no satisfactory proof as to a marriage between his father and mother; he makes satisfactory proof as to his residence and he will now be listed for enrollment as a Cherokee freedman on a doubtful card, and when the final decision is arrived at he will be notified of the same by mail.

SUPPLEMENTAL TESTIMONY

By E. W. Hastings Cherokee representative, of the applicant-

- Q When you were first old enough to remember, where were you living?
 A In Kansas.
 Q Where in Kansas? A. Winfield.
 Q Where you born there? A. I was there when I got big enough to remember as I guess I was.
 Q You live in Winfield yet? A. No sir.
 Q Where did you move to from there? A. I left there when I was 6 or 7 years old.
 Q How old are you now? A. 21.
 Q You went back to Winfield afterwards didn't you? A. On visits and to school.
 Q Did you ever work there? A. Not to amount to anything.
 Q Does your mother live there? A. She is working out at different places.
 Q Where is she now? A. Coffeyville.
 Q Has she ever worked in Winfield? A. Yes sir in a laundry.
 Q What? A. I was small when she worked there.
 Q Where do you live now? A. In the Cherokee Nation, six miles south of Coffeyville.
 Q How long have you been there continuously? A. 6 or 7 years.
 Q Where did you come from to that place? A. Russell creek.
 Q How long had you been there? A I came from Winfield and I went there on Russell creek with my uncle A. J. Norwood.
 Q Who do you live with now? A. With him sir.
 Q Norwood? A. Yes sir.
 Q You never have had a home of your own? A. No sir.
 Q Your mother has never had one? A. Yes sir.
 Q Has she ever kept house in the Cherokee Nation? A. I don't know.
 Q All that you know is that she has worked in Kansas and is working there now? A. Yes sir.

By E. I. Brown-

- Q Who raised you? A. Uncle Norwood.
 Q What relation is he to you? A. My uncle.
 Q Who brought you to him? A. Father and mother.
 Q And you have been with him ever since have you? A. Yes sir.
 Q In the Cherokee Nation? A. Yes sir.

By Hastings-

- Q In what year were you born? A. 1839.

Q What was your mother's maiden name? A. Smith.

By the Commission-

Q Your father is not living now? A. No sir.

Q How long has he been dead? A. Since '97.

Q Did you live with him until his death? A. No sir with my uncle.

Q Where did he die? A. Was killed in Fort Gibson.

Q How long has your mother been dead? A. She is living.

Q Did your father and mother live together until his death? A. No sir.

Q You was raised by your uncle? A. Yes sir.

Wm. von Weiser, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Wm. von Weiser

Subscribed and sworn to before me this the 6th of July, 1901.

[Signature]

Commissioner.

DATE: 1953-11-20

DEPARTMENT OF THE INTERIOR
 COMMISSION TO THE FIVE CIVILIZED TRIBES

NOV 23 1953

ACTION CHAIRMAN

RE: [Illegible] [Illegible] [Illegible]

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File with Eddie Rogers, C. F. D. 887.

Department of the Interior
Commission on the Five Civilized Tribes,
Vinita, I. October 23rd, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Martha Richardson, C. F. D. 1079.

Appearances:

James B. Davenport for the Cherokee Nation.
Mellotte & Smith for the applicants.

CHARLES KEYS being first duly sworn by Gen'l T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)

- Q What's your name? A Charles Keys.
Q Where do you live? A YAKSATA on Verdigris river.
Q How old are you? A 39 or 40.
Q How long have you lived on the Verdigris river? A At the place I am living now?
Q Yes sir? A 12 years I guess.
Q Have you a brother? A Yes sir.
Q What is his name? A John.
Q Is he ever called anything else? A No sir.
Q Do you know the applicant in this case? A Martha Richardson, yes sir.
Q Where does she live from where you live? A I dont know where she lives now, she used to stop round in there a while.
Q How long since she has stopped there? A Last winter.
Q How many children did she have? A She had one, introduced to me as her daughter, Mandy.
Q Do you know Ike Rogers? A Yes sir, I did.
Q Do you know what relation he was to this applicant? A He introduced me to the old lady as his mother and the girl as his sister.
Q When did you go on to the Verdigris river? A You mean how long have I been living on the place I am now living now?
Q Yes sir? A Twelve years.
Q Where does your brother live? A With me.
Q How long has he lived there? A 4 or 5 years.
Q What is your brother's name? A John Keys and Israel Brown.
Q Is there any one in that country that is called Coosa? A Yes sir some call him Dr. Baldrige, some Doc Hayes and some Coosa Fado.
Q Then did he move there? A I cant tell the year he did move there, he had a place in the bottom below me.
Q When did he own that place? A When I moved to the place I live on now.
Q Did he live on it then? A Yes sir.
Q Where does he live now? A 2 miles west of me.
Q When did he move there? A 3 or 3 years ago.
Q Where did you come from to this place yourself? A From Snow Creek.
Q How long had you lived there before you came to the place you live on now? A Several years.
Q About how many? A 12 years.
Q You lived on Snow creek 12 years and then on Verdigris river 12 years? A Yes sir.
Q Where did you come from to Snow creek? A From Fryors Creek near Cheateau.
Q Do you know if this applicant, Martha Richardson had a place near where you was, at all? A Not as I know of.
Q When did you first see her? A I seen her a little before the Wallace patent.
Q Was it before or after you moved to the Verdigris river? A After I moved there.
Q When did you see her then, before or after you met the old lady? A After.
Q What is her first name? A Mandy.
Q What? A I dont know.
Q Where did you first meet the old lady? A At Ike Rogers's.

Q You met the old lady first after you moved on the Virdigris river?

A Yes sir.

Q That has been 12 years ago? A Yes sir, since I moved to the place where I am living now.

(By Smith)
Q How long did you know Ike Rogers? A 12 or 13 years.

Q What was the first time you introduced the old lady as his mother and the girl as his mother?

Q Ike was a Cherokee freedman? A Yes sir.

Q This old lady has been living in the Nation ever since you knew her? A Yes sir.

Q All you know about it is that you didn't get acquainted with her until about 12 years ago? A Yes sir.

Q You don't know who she belonged to or when she first came back after the war? A No sir.

Q How old are you? A 30.

Q You lived on Snow Creek and the Virdigris river together about 24 or 25 years? A Yes sir.

Q When you lived on Pryor Creek you were then but a boy? A Yes sir.

Q There are a good many people living on Virdigris river that you don't know? A Yes sir.

Q You meet freedmen all the time that you haven't known before don't you? A Yes sir.

Q All you know is that if the old lady had a place up there you wasn't acquainted with it? A No sir, I don't know of it if she did.

COMM-220
FIVE CIVILIZED TRIBES
CHEROKEE
FEDERAL INDIAN BUREAU
AT WASHINGTON

This will be filed in the following doubtful Cherokee freedmen cases:
D-1079; D-1080; D-795 and D-827.

Chas. von Weise, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a full true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 24th of October, 1901.

Chas von Weise
Commissioner.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, Ia T. October, 26th 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Martha Richardson, C. F. D. 1079.

Appearances:

W. W. Hastings for the Cherokee Nation.
Mellette & Smith for the applicants.

WILLIAM RAY being sworn by Commissioner T. B. Needles, testified for the Nation as follows:

- (By Hastings) Q What is your name? A William Ray.
Q What is your age? A 65 past.
Q What is your post office address? A Garnett, Kansas.
Q How long has that been your post office? A Ever since '67 or 8.
Q Do you know a colored man named Ike Rogers? A I have seen him.
Q Where did you see him? A In Garnett, Kansas.
Q Did you know his wife? A Yes sir, I saw her.
Q Where were they living when you first saw them? A When I first got acquainted with them it was just after they married, they lived in Garnett.
Q Did you know Ike Roger's mother? A Yes sir I seen her.
Q What was her name? A We called her Martha Richie.
Q When did you first learn to know Martha Richie, or Ike Roger's mother? A In the early '70's.
Q About how long did you know her? A She staid there until along in the '80's, '80 somewhat.
Q Do you mean in the year 1880 or some time in the '80's? A Somewhere in the '80's, I cant say what year.
Q What did she do up there? A Worked up there in general work.
Q Keep house? A No sir she made her home with her daughter.
Q What was her daughter's name? A Maria Armstrong.
Q It was in the early '70's when you first knew her? A Yes sir
Q How many years did you know her? A Ten years or more.
Q Did you know her continuously that length of time? A She would take the train and go to Osawotomoy and other places around there, but at Armstrongs is where she claimed her home.
Q Did you ever miss her for any considerable length of time during that time? A No sir.
Q You say her frequently during that time? A Yes sir.
Q Did you say you knew Ike's wife? A Yes sir.
Q Do you know what her name was? A Caroline, I knew her when she was a girl.
Q Do you know whether or not Ike, or rather Ike's wife, Caroline, had any children at Garnett? A They had one or two, but I dont know if they were born at Garnett; they had them there.
Q How long did you know his wife? A I was knowing her when she was a girl, before she was married.
Q Did you know her father and mother? A I did.
Q Do you know about the time she married? A Close about.
Q You knew her after she was married? A Yes sir.
Q Did she ever live there? A She did.
Q How long after she married? A I dont know—they wasn't married in town, they were in town and then on a farm there.
Q How long did they live in town? A A Season.
Q How long did they live on the farm? A I dont know.
Q Did they have a child named Florence? A I think one was called Florence.
Q Is Ike's wife living yet? A I dont know.
Q How long have you missed her from Garnett? A I cant say exactly.
Q She left there? A Yes sir.
Q Did she take her children with her at the time? A Yes sir.
(By Smith)
Q Do you know how many times this Ike Rogers that you are talking

- about was married? A Only the one time that I know of.
- Q Did you ever see him? A Yes sir.
- Q Did you ever see him in the Cherokee Nation? A No sir.
- Q Do you know if the man that you are talking about was a citizen of the Cherokee Nation or not? A At the present time?
- Q Now sir, was he when you knew him? A No sir I dont know.
- Q When did you know him? A In the '70's.
- Q Did you know him in 1880? A I dont know, it was about the close of the '80's when he come ~~from the Cherokee Nation~~
- Q Where was he in 1880? A I dont know sir.
- Q You say you dont know if he was a citizen of the Cherokee Nation or not? A No sir, I dont know if he was at that time; he was in Ottawa and Garnett then.
- Q Was he in Ottawa or Garnett in 1880? A I dont know.
- Q Was he living there? A I dont know if he was living there.
- Q Did you see him in 1880? A Somewhere in the '80's.
- Q I mean in the year 1880? A I have no recollection as to seeing him then, I dont know if I saw him that year or not.
- Q Where did you ever get acquainted with Martha Richie? A In Garnett
- Q When? A While she was there, I dont know what year exactly, along in the '70's, early in the '70's.
- Q Did this Martha Richie that you are talking about have a son named Ike Rogers? A That was what he was called.
- Q You say Martha didn't keep house there? A No sir she didn't.
- Q What did she do there? A Worked.
- Q What kind of work? A Cooking and general house work around town just like other women does.
- Q You dont know but very little of Ike Rogers do you? A I didn't know him very long, I know when he left, along in there.
- Q When did you say he left there? A I cant identify myself to what time it was, we were talking about it not long ago up there, as long as 3 or 4 months ago, and we was talking about how cold it was, we called it Cold Friday, the coldest day they claimed we had in Kansas for years; he lived on a farm two miles south east of town on the P. G. Brum's farm'
- Q That was Ike Rogers? A Yes sir.
- Q How long did he live there? A I dont know.
- Q How long did he stay there? A I dont know, somewhere between '76 and '83.
- Q Do you know how long he lived in Kansas? A No sir.
- (By Hastings)
- Q Do you know Ike Roger's wife's maiden name? A Jeans.
- Q Did Martha Richie have a husband there? A Not as I know of.

W. A. JOHNSON being sworn by Cor'r Needles, testified as follows for the ~~applicant~~ Cherokee Nation-

- (By Hastings)
- Q What is your name? A W. A. Johnson.
- Q How old are you? A 71.
- Q What is your post office? A Garnett, Kansas.
- Q That has been your post office since before the war has it? A Yes sir.
- Q Did you know a colored woman who lived up there, by the name of Mary Richardson or Richie? A I knew a colored woman there named Richie.
- Q When did you first learn to know her? A It was some time in '73 or '4.
- Q About how long did you continue to know her? A I am unable to say just when she left there.
- Q Did you know her for a short time or for several years? A Several years.
- Q Did you know her children or relations there? A She had a daughter that she made here home with, William Armstrong's wife; Mrs. Richie used to work for my wife, washing and such like.

Q Do you know anything about who she belonged to, did you ever hear her say? A I dont know anything about that.

Q You dont remember her name? A No sir.

Q Did you know Joe Brown? A I didnt know him personally.

Q Did you know of him? A Yes sir.

Q Do you know if this woman was said to be his mother or not? A No I dont know anything about that.

Q Did you know any of the Jacksons? A Not by that name, I dont know that I know them.

Q Didn't you know anyone there by the name of James or Jones who had a girl named Margaret? A No sir I dont call to mind anyone of that kind. There were a great many colored people who knew me, and a great many that I knew by sight but did not know their names; they used me. I was an officer in the army and a great many would come to me and get to me advice with them about their affairs (No questions by Mr. Smith)

This will be filed in Cherokee Freedmen cases- D-1080; I-1079; D-827 and D-785.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cases and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 6th of November, 1901.



Commissioner.

1902. Letter to sub comm and copied of above has been forwarded

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE MORE CIVILIZED TRIBES
FILED
MAY 1 1902

[Handwritten signature]
ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 22, 1902.

In the matter of the application of Florence Bratcher for the enrollment of herself as a Cherokee Freedman.

Applicants represented by Mallette & Smith.
Cherokee Nation represented by James S. Davenport.

R. W. DUNCAN, being first duly sworn, testified as follows:

- MR. DAVENPORT:** What is your name? A R. W. Duncan.
- Q Where do you live, Mr. Duncan? A I live at Okawatomie.
- Q How long have you lived in Okawatomie or in the neighborhood near Okawatomie? A Well, I have lived there ever since along about '64 I think or '5.
- Q After you went into that neighborhood did you get acquainted with a colored man by the name of Rogers? A Yes, sir.
- Q What was his first name? A Why now I don't think he was mastered out of the service—
- Q I said after you went into that neighborhood, after you went in there, did you get acquainted with him? A Yes, sir.
- Q Well, what was his name, his first name? A Isaac Rogers.
- Q Do you know whether or not his mother was living in that neighborhood? A Yes, sir.
- Q What was her name at that time, if you remember? A Why Martha Ritchy I think.
- Q Did he have a stepfather living? A Yes, sir.
- Q Well, after you got acquainted with Ike did he ever live near or work for you or with you? A Yes, sir.
- Q How long did he remain in that country? A Well, sir, to be honest and tell you the truth about it, I couldn't tell you just exactly.
- Q Well, after you got acquainted with him about how many years did he stay around there? A He was in there I think four or five years or somewhere around there.
- Q How far did he live from you? A Well, it was betwixt three and four miles as near as I can recollect.
- Q Do you know when he left that country, was his stepfather and mother living there at that time or did they go away when he went? A No, I think his stepmother went to Garnett, they started to come to the Nation, and there was a boy, and Ike had married, and they only had one team, and the girl married, and they had to sell all they had, and I think then she stepped with her daughter.
- Q Well, did Ike marry before he left that country? A Yes, sir, I think he did; I heard he was married; I seen the lady that was called his wife too.
- Q Do you remember her name? A I think her name was Caroline, we understood it.
- Q Do you know whether or not that Ike and his mother owned any property up there, real-estate or land or anything? A Well, his stepfather I think owned about ten acres right on the Pottawatomie River below me.
- Q Well, did they live on it? A Yes, sir, they did.
- Q Now you say you don't remember whether the mother came on back or not; she started and stepped with her daughter? A At Garnett, yes, sir, I think so.
- Q Well, they moved out of your neighborhood? A Yes, sir.
- Q Did the stepfather move out of the neighborhood too? A He died.
- Q Now do you remember anything about when he died as to the time they started away from the neighborhood? A Well, I don't for certain; couldn't tell.
- Q Well, had he died before they moved away? A Yes, sir, he died,

and then they traded the place off, yes, sir.

Q Do you know whether or not they traded the place before they moved out of the neighborhood there? A No, they traded the place for a team, and I think moved as far as Garnett.

Q That's what I said; do you remember whether they traded the place before they left the neighborhood? A Yes, sir. The understanding was they were coming to the Nation, and had traded the farm and got a team, and started.

Q And you heard that the mother stopped with the daughter? A Yes, sir.

Q And Ike came on? A Yes, sir.

MR. MELLER: Well, you can't remember these dates very well can you? A I can't, to tell the truth about it, no, sir.

Q Been a long time ago? A Been a long time ago.

Q Now Ike Rogers was in the army, wasn't he? A Yes, sir.

Q When did you first get acquainted with him after he got out of the army, what year? A It was along about '55 or '56.

Q '55? A Somewhere along there.

Q You know what you are talking about now, don't you, '55 or '56? A Somewhere along there.

Q Well, do you mean '55 or '56? A '50, excuse me.

Q '50 what? A '55 or '56.

Q Which was it that he came out of the army? A I think it was along about '55.

Q You can't tell within two years when he came out of the army?

A That's as near as I can get it.

Q Well now, was Ike Rogers down here in the Territory in '56?

A In '56?

Q Yes. A I don't know; I don't know but he was too; he might have been; as I say I can't tell just exactly when the boy did come away.

Q Can't tell what year it was? A No, sir.

Q And you heard that some of them stopped at Garnett now, but you don't know about that? A I know that some of them came back for they was some of them got away.

Q Who was that? A It was some of the Varn boys.

Q But you don't know when that was? A Well it was somewhere along in '55, along in '56 or '57, somewhere along there.

Q '55 or '57? A Yes, sir, somewhere along there, and then there was one up there named Nellie that didn't come because she couldn't come, and they had her in the asylum, and she's up there yet.

Q Still up there is she? A Yes, sir.

WILLIAM M. MARTIN, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A William M. Martin.

Q Where do you live, Mr. Martin? A At Ossawatimie, Miami County, Kansas.

Q How old are you? A I am 53 years old today.

Q How long have you lived in Miami County, Kansas? A Since '56.

Q Was you in the war? A Yes, sir.

Q When did you return home after the war, Mr. Martin? A In June, '56.

Q To what point did you go back to, Ossawatimie or the neighborhood?

A Yes, sir, I went to the neighborhood, I went back from there three miles south of Ossawatimie.

Q Well, have you lived in that neighborhood since that time? A Yes, sir, either in town or in the country.

Q Well since you have been living there since the war there did you get acquainted with a colored man by the name of Ike Rogers? A Yes, sir.

Q Where was he living at the time, if you know, Mr. Martin? A Well I don't know that I can say just exactly where he was living, he was staying around there in the neighborhood considerable at

different places.

Q Do you know whether or not any of his family was living in that country at that time? A Well, I understood that his mother was living there; she was married to another man.

Q Do you remember what her name was at that time? A I think she went by the name of Richardson.

Q Well, did Ike marry in that country or not? A Well, I understood that he did; I don't know that I ever saw his wife.

Q Do you know of his having a woman that claims to be his wife? A Never knew her.

Q How long did you know him in that country after you got acquainted with him? A Well, I first knew him in the fall of '68 after he came out of the army, and I knew him right along then, saw him every two or three weeks and sometimes every day, up till along in the '70's.

Q Do you know whether or not his mother moved away from that country about the time he did? A I think she did.

Q Do you know whether or not they owned any farm property up there? A They owned a piece of land, his step-father did.

Q Well, now, did his stepfather die before they moved away from there to your knowledge? A Yes, sir.

Q Well when they moved away you didn't know anything about where they went to? A No, sir, well I understood that they went to Garnett, that's the county-seat of Anderson county.

Q But you don't know that of your own knowledge? A No, sir.

Q Did you ever see them after they moved away from there? A No, sir, I don't think I ever have; I don't remember.

Q You knew them there from that time when you got acquainted with him in '68, saw him quite frequently, until up in the '70's? A Sometime up in the '70's.

MR. MELLETT: Well, where was Ike Rogers in '66? A He was around Osawatomie there.

Q Was he down at Fort Gibson in '66 in the Cherokee Nation? A I don't know that he was.

Q You don't know whether he was or not? A No, sir, I never; I knew him around there in '66, but—

Q You didn't keep watch over him? A No, sir, I wasn't watching him.

Q How far did you live from him? A Well I was living in town and his stepfather lived about two miles west of town.

Q There was nothing that would have made you keep a close watch as to what he was doing and what he wasn't? A No, sir, I wasn't interested.

Q Was he a young colored man? A He was a young man I should take him then to be when I first knew him probably 18 or 19, 17, 18, or 19, somewhere along there.

Q Did you ever see him after he came away from that country, after he left there? A Yes, sir—no, sir, I haven't seen him.

Q You don't know whether he is the father of the claimant here, Mrs. Bratcher, or not do you? A No, sir, I don't know anything about that.

MR. DAVENPORT: The representatives of the Cherokee Nation now desire to offer in evidence a certificate from the register of deeds from Miami County, State of Kansas, giving the description of a tract of land which is shown to have been recorded in the said register of deeds of the said county to William Richardson, and further shows that on the 22nd day of May, 1874, the said described land was conveyed by Martha Richardson, widow of William Richardson, deceased, of Osawatomie, Kansas, and Isaac Rogers, son of Martha Richardson, to Joseph N. Jackson.

COMMISSION: The document will be filed and made a part of the record.

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-287 and D-795, the same at bar.

THE BOARD OF DIRECTORS OF THE
AMERICAN RED CROSS
HAS THE HONOR TO ACKNOWLEDGE THE RECEIPT OF
THE FOLLOWING CONTRIBUTION TO THE
AMERICAN RED CROSS:

Arthur G. Sawyer

Subscribed and sworn to before me this 1st day of 1918.

J. R. [Signature]

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Florence Bratcher et al., for enrollment as Cherokee freedmen, consolidating the applications of-

Florence Bratcher
Eddie Rogers

Cherokee Freedmen D-795
Cherokee Freedmen D-827

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Florence Bratcher for herself, and by Eddie Rogers for himself. Copies of the testimony taken at various times in the matter of the application of Martha Richardson for enrollment as a Cherokee freedman, are filed with and made a part of this record.

The evidence shows that the applicants are the children of one Isaac Rogers; that they were born since 1866, and that they derive all rights to enrollment through him. The evidence further shows that the said Isaac Rogers was the slave of a Cherokee citizen at the commencement of the rebellion; that he left the Cherokee Nation during the rebellion, and that he did not return thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation et al., for the return of freedmen to said Nation.

Neither the name of Isaac Rogers, nor those of the applicants herein, appear upon the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Florence Bratcher and Eddie Rogers as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) _____ Tams Bixby
Chairman.

(Signed) _____ T. B. Needles
Commissioner.

(Signed) _____ C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,

this July 23 1904

X

7 D. 827

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 190...

Given under my hand this
day of A. D. 190...

.....
Marshal for the Cherokee-Nation.

I, the undersigned ^{Agent} ~~Attorney~~ for the
within named applicant, hereby accept
service of the within notice on this the
..... day of 190...

J. J. Brown
Agent for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 190...

Subscribed and sworn to before me
this

**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

FILED
SEP 24 1901
J. J. Brown
ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Eddie Rogers
for enrollment as Cherokee citizens:
Case No. D 827

To Eddie Rogers or L. F. Brown his Agt.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory. Indian Territory, on Oct. 18th 1901 a or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 23 1901

W. D. Bell
W. M. Hastings
Attorneys for the Cherokee Nation.

COMMISSIONERS:
HENRY L. DAVIS,
TAMM SIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLIBON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Winnipeg, N.D. 10/18/01

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Eddie Rogers for enrollment as
Freemen of the Cherokee Nation.

Louis T Brown
agent for applicant

No. 7,082.7

F. D. 827

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
..... day of A. D. 190.....

Given under my hand this.....
day of A. D. 190.....

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the

..... day of April, 1902
Louis J. Brown
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to.....

.....
on the..... day of A. D. 190.....

.....
Subscribed and sworn to before me
this.....

.....
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 29 1902

[Signature]
ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Eddie Rogers,
for enrollment as Cherokee Freedmen:

Case No. F. D. 827

To Eddie Rogers, or to E. W. Trenn, agent:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, T. T. Indian Territory, on April 22nd, 1902, at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this April 16, 1902.

L B Bell

*W. M. Hastings
Jas. Davenport*
Attorneys for the Cherokee Nation.

copy.

Sherokee Freedmen
B-995 D-207.

Muskogee, Indian Territory, July 26, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Florence Bratcher, et al., including the Commission's decision dated July 23, 1904, rejecting the applications for the enrollment of Florence Bratcher and Edie Rogers as Cherokee freedmen.

Respectfully,

I. B. Nesbitt

Encl. B-119.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

COPY

Cherokee Freedman

D-257.

Muskogee, Indian Territory, July 26, 1904.

Louis T. Brown,

Agent for Eddie Rogers,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 23, 1904, rejecting, among others, the application of Eddie Rogers for enrollment as a Cherokee freedman. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings, has this day been forwarded to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

I. B. Needles.

Commissioner in Charge.

Encl. E-114.

Register.

COPY

Cherokee Freedmen
D-227.

Muskogee, Indian Territory, July 26, 1904.

Edie Rogers,
Coffeyville, Kansas.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 23, 1904, rejecting among others, your application for enrollment as a Cherokee freedman. There has heretofore been furnished your name to T. Brown, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

T. B. Needles

Commissioner in Charge.

Encl. 2)115.

Register.

COPY.

Cherokee Freedmen

D-796 D-827.

Waxsage, Indian Territory, July 26, 1904.

Hastings, Bell & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 23, 1904, in the consolidated case of Florence Bratcher et al., rejecting the applications for the enrollment of Florence Bratcher and Edie Rogers as Cherokee freedmen.

The decision, with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

T. B. Neale

Encl. 2-118.

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Land.

WASHINGTON, September 3, 1904.

52068-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated July 26, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen of Florence Bratcher for herself, and by Edlie Rogers for himself.

July 23, 1904, the Commission decided adversely to the applicants.

The record shows that the applicants claim title solely through their father, Isaac Rogers; that the said Isaac Rogers was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that he left the Cherokee Nation during the war; that he enlisted in the United States Army and was discharged in 1865, and that he returned to the Cherokee Nation prior to February 11, 1867, and was subsequently (date not shown) killed while a Marshal in the Cherokee Nation.

The applicants are identified on the Wallace and Kern-clifton rolls as Cherokee citizens.

The evidence submitted by the Cherokee Nation does not outweigh the evidence submitted by the applicants, and as the

applicants have already been recognized on the rolls cited, the burden of proof clearly rests with the Nation to show that their names are not properly there. They are not identified on the 1880 authenticated roll of Cherokee citizens, but it appears this roll was excluded from consideration by the act of June 28, 1896 (30 Stats., 8.21).

In view of the record it is recommended that the Commission's decision adverse to the applicants be reversed and the applicant duly enrolled as Cherokee citizens.

Very respectfully,

W. A. Jones.

Commissioner.

M. M. M.
W.

COPY.

421,
W. C. P.

DEPARTMENT OF THE INTERIOR,

LKB

S. P.

WASHINGTON.

D. C. 34259.
I. T. D. 7144-1904.

September 10, 1904.

Commission to the Five Civilized Tribes,
Muskegee, Indian Territory.

Gentlemen:

On July 26, 1904, you transmitted the record in the Cherokee freedman case of Florence Bratcher et al., including your decision of July 23, 1904, rejecting the applicants.

Reporting September 3, 1904, the Commissioner of Indian Affairs recommends that your decision be reversed and the applicants be enrolled.

You will notify the principal applicant and the attorney for the Cherokee Nation of the recommendation of the Commissioner, and will allow said attorney 30 days within which to file any argument in the case he may desire, and the applicant 10 days within which to answer same. Copy of the Commissioner's letter is inclosed.

Respectfully,

(Signed) Theo Ryan

Acting Secretary.

1 inclosure.

W. C. F.
Y. P.
FEB.

DEPARTMENT OF THE INTERIOR,

D. C. 5374-1905.

WASHINGTON. January 27, 1905.

I. T. D. 7144-1904.
12692-

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

On July 26, 1904, you transmitted the record in the consolidated Cherokee freedman case of Florence Bratcher, et al, including your decision of July 23, 1904, rejecting the applicants.

Reporting September 3, 1904, the Commissioner of Indian Affairs stated that the evidence submitted by the Cherokee Nation does not outweigh the evidence submitted by the applicants, and that as the applicants have already been recognized on the Kern-Clifton and Wallace rolls, that the burden of proof rests with the nation to show that their names were improperly placed on said roll.

September 10, 1904, you were directed to notify the applicants and the attorney for the Cherokee Nation that they would be allowed time within which to submit argument in the matter. On December 6, 1904, you transmitted the argument of the attorneys for the Cherokee Nation. No reply brief by the applicants has been filed with the Department.

The burden of proof is upon the applicants to establish their rights. See departmental letter of January 28, 1904 (I. T. D. 544-1904), relative to the application of Eliza Bryant, et al. The Department does not consider the evidence sufficient to show that Isaac Rogers, the father of the applicants, returned to the Cherokee Nation prior to February 11, 1867. Your decision is therefore affirmed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

COPY.

Cherokee Freedmen

D-427.

Muskogee, Indian Territory, February 9, 1905.

Leila Rogers,

Coffeyville, Kansas.

Dear Sir:

You are hereby advised that the Commission's decision dated July 23, 1904, rejecting, among others, the application for your enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on January 27, 1905.

Respectfully,

(SIGNED) *Tame Bixby.*
Chairman.

COPY.

Cherokee Freedman

D-827.

Muskogee, Indian Territory, February 9, 1905.

Louis T. Brown,

Attorney for Eddie Rogers,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 23, 1904, rejecting, among others, the application for the enrollment of Eddie Rogers as a Cherokee freedman, was affirmed by the Secretary of the Interior on January 27, 1905.

Respectfully,

(SIGNED) *Tame Bixby.*
Chairman.

COPY.

Cherokee Freedmen

D-795, D-827.

Muskogee, Indian Territory, February 9, 1908.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated July 23, 1904, rejecting the applications for the enrollment of Florence Bratcher and Eddie Rogers as Cherokee freedmen, was affirmed by the Secretary of the Interior on January 27, 1905.

Respectfully,

(SIGNED).

Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen

D-795-827.

Muskogee, Indian Territory, February 9, 1905.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 25, 1904, rejecting the applications for the enrollment of Florence Bratcher and Eddie Rogers as Cherokee freedmen, was Affirmed by the Secretary of the Interior on January 27, 1905.

Respectfully,

(SIGNED)

Tama Bixby.
Chairman.

Cherokee Freedmen
R-749

Muskogee, Indian Territory, May 28, 1906.

Eddie Rogers,
Coffeyville, Kans.

Dear Sir:-

You are hereby advised that the motion filed by
your attorneys September 7, 1905, for a review in your Cherokee
freedman enrollment case, was dismissed by the Department
May 2, 1906.

Respectfully,

Commissioner.

LMC

Muskogee, Indian Territory, May 29, 1906.

Bell, Hastings & Davenport,

Attorneys for Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:-

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions by Blue & Bulger, filed September 7, 1905, for review in the Cherokee Freedmen enrollment cases of Klisa A. Arnold and others named in said letter.

Respectfully,

Commissioner.

YMS
 Incl. C-2

Muskogee, Indian Territory, May 28, 1906.

Bluc & Bulger,

Attorneys for Eliza A. Arnold, et al.,

Vinita, Indian Territory.

Gentlemen:

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions filed by you September 7, 1905, for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

MMP

Waskagee, Indian Territory, May 29, 1906.

Bell, Hastings & Davenport,

Attorneys for Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:-

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions by Blue & Bulger, filed September 7, 1905, for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

LMC
Incl. C-2

C.F.D.827

MT

CERTIFICATE OF MARRIAGE.

---000---

This is to certify that Ike Rogers and Alice Banks, the former, being a citizen of the Cherokee Nation and the latter a citizen of the United States, were by me united in holy bonds of matrimony on the 6th day of June 1879. Said marriage ceremony have been performed by me in the Cherokee Nation in accordance with the Laws of the Cherokee Nation.

Rev. A. P. Norwood
Minister of the Gospel.

Subscribed and sworn to before me this 23rd day of June A. D. 1901.

Louis T. Brown
Notary Public.

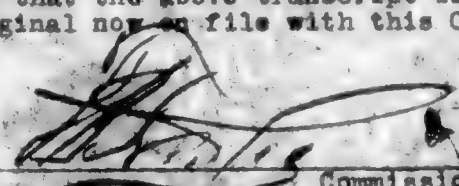
(SEAL)

My Com Ex 3/17/04

.....

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, August 6, 1903.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the above transcript is a true and complete copy of the original now on file with this Commission.


Commissioner.

C.F.D. 627.

875

Executive Office Cherokee Nation,
Tahlequah Ind. Ter.

I. B. W. Alberty, assistant Executive Secretary
do hereby certify that the record of appointments kept in clerks
office of Cooweescoowee District Cherokee Nation shows that Alice
Rogers was appointed, on July 21st 1897 Guardian of Eddy Rogers
minor child of Ike Rogers (Dec.) the said record now being filed
in this office and is in my legal custody.


Given under my hand and the seal of the Cherokee Nation,
this the 8th day of April 1901.

(SIGNED) B. W. Alberty,
Assistant Executive Secretary,
Cherokee Nation.

.....

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, August 5, 1903.

I, the undersigned, a member of the Commission to the Five
Civilized Tribes, do hereby certify that the above transcript is
a true and complete copy of the original now on file with this Com-
mission.


Commissioner.

D. C. A. 1887

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
JUN 24 1901


ACTING CHAIRMAN

Cherokee Nation.

Assistant Executive Secretary.

8th day of April 1901.

Given under my hand and the seal of the Cherokee Nation, this the
8th day of April 1901.

of Edw Rogers minor child of the Rogers (Dec) the said record
that Wilcox Rogers was appointed on July 31st 1887 Guardian

of the Cherokee Nation shows

Executive Office Cherokee Nation.

Tahlequah Ind.Ter.

I, B. W. Alberty, assistant Executive secretary

do hereby certify that the the record of appointments kept in
clerks office of Coowescoowee District Cherokee Nation shows
that Allie Rogers was appointed , on July 21st 1897 Guardian
of Eddy Rogers minor child of Iks Rogers (Dea) the said record
now being filed in this office and is in my legal custody.

Given under my hand and the seal of the Cherokee Nation, this the
8th day of April 1901.

B. W. Alberty
Assistant Executive Secretary.

Cherokee Nation.

Arthur H. Hays

28827

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JUN 26 1901

[Signature]

ACTING CHAIRMAN

[Faint, illegible handwritten notes and signatures covering the majority of the page]

Certificate of Marriage

This is to certify that John Poyner
and Alice Banks, the former, being
a citizen of the Cherokee Nation and
the latter a citizen of the United
States, were by me united in holy bonds
of matrimony on the 6th day of June 1879,
said marriage ceremony had been performed
by me in the Cherokee Nation in accordance
with the Laws of the Cherokee Nation,

Perini A. G. Wood

Subscribed and sworn to before me this
23rd day of June A.D. 1901

Louis T. Brown

Notary Public

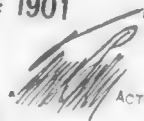
my Com ex 2/17/00

B

320827

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUN 24 1901


ACTING CHAIRMAN

CHEROKEE FREEDMEN.

Date JUN 28 1901
Post Office Coffeyville Kas
District 20

1. Name Eddie Rogers

Age 21

Owner's name

Citizenship

Year 1895 Page 105 No. 20 District 20

Parents:

Father Isaac Rogers - dead Citizenship

Mother Alice " - living Citizenship

2. Name of wife

Age

Owner's name

Citizenship

Year Page No. District

Parents:

Father Robert Citizenship

Mother Thelma Citizenship

Names of Children:

No.	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Application made by Ms. 1 Stenographer Chas. von Weise

1 On Waller roll, P. 185 * 9399 Eddy Rogers -
1 " 1896 roll, Page 417 * 483 - Rfo

Proof of marriage between parents, Isaac and Alice
to be supplied
Represented by Louis T. Brown, Santa, Ia.

X Rfo D 793 -

410827

8

MAR 22 1967

~~SECRET~~

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Eddie Rogers,
Coffeyville, Kans.,
Cherokee-F-D-887.
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.



Department of the Interior.

Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Cher. Fr. R. 750

Cher. Fr. R. 750

CHEROKEE
FREEDMEN

750

750

Cher. Fr. R. 751

Cher. Fr. R. 751

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 28 1901

ON THE 27th day of August 1901, at Washington, D. C., the undersigned, Special Agents of the Bureau of Indian Affairs, Department of the Interior, were present at the residence of the late Mr. [Name] and saw and examined the following papers, to-wit:

[illegible text]

It is the duty of the undersigned to report to the Commission the results of their investigation into the affairs of the late Mr. [Name] and to the Commission the results of their investigation into the affairs of the late Mr. [Name].

[illegible text]

I have the honor to acknowledge the receipt of your letter of the 27th day of August 1901, and to inform you that the same has been forwarded to the proper authorities for their consideration.

To be filed with the case of John Murrell, Q. P. D. 838.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. June 21, 1901.

In the matter of the application of Henry Murrell for the enrollment of himself and three children as Cherokee freedmen, and for the enrollment of his wife as a Cherokee freedman by intermarriage. Henry Murrell, being duly sworn and examined by Commissioner Needles testified as follows:

- Q What is your name? A. Henry Murrell.
Q What is your age? A. I dont know my age exactly, I guess about 57 or 8, somewhere along there.
Q What is your post office? A Lenapah.
Q What district do you live in? A. Cooweescoowee
Q Do you apply to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who do you want to enroll besides yourself? A. My wife and family of children.
Q Is your name on the roll of 1880? A I dont know whether it is or not.
Q What is your wife's name? A Malinda Murrell.
Q Is her name on the roll of 1880? A I dont know sir, she is a non citizen, and I dont know whether they it on or not.
Q Known as a state woman or she? A Yes sir.
Q Now give me the names of your children? A Well there is Charlie Murrell.
Q How old is Charlie? A. Well this child is 25, he must apply for himself. A Well, Jesse, 20.
Q Well? A A Willie Murrell, 18 ; Nola Belle Murrell.
Q How old is Nola Belle? A 14
Q The next one? A That is all.
Q Just three under age? A. Yes sir, three.
Q You say you dont know whether it is on the 1880 roll or not? A No sir, if it is on there it was Chug Murrell; my brother was to put it down.
Q What is your father's name? A. Caesar Murrell I akways taken for my father.
Q Is he alive? A No sir.
Q What is your mother's name? A Judy.
Q Is she alive? A Yes sir.
Q Is she on the roll of 1880? A No sir.
The 1880 authenticated roll of Cherokee freedmen examined and the applicants not identified thereon.
The 1896 census roll of Cherokee freedmen examined and the applicants not identified thereon.
The Kern Clifton roll examined and the applicants identified thereon as follows:
Henry Murrell on page 170 No 4188, Cooweescoowee district.
Jesse Murrell on page 170 No 4188 Cooweescoowee district.
Willie Murrell on page 170 No 4189 Cooweescoowee district.
Nola B. Murrell on page 170 No 4190 Cooweescoowee district, as Nola Murrell.
Malinda Murrell not on roll.
Q When were you married to your wife? A. I have been married about 26 years.
Q Got any certificate of marriage? A No, I lost it; it is on the register though at independence.
Q Married in the State of Kansas? A. Yes sir, married at Coffeyville
Q What is her name? A. Malinda Murrell.
Q She your first wife? A. Yes sir.
Q You her first husband? A. Yes sir.
Q You been living together continuously since your marriage? A Yes sir, ever since.
Q Is Malinda the mother of these children? A. Yes sir.
Q Are these children living? A. Yes sir, they are living.

- Q To whom did you belong? A. George Murrell.
- Q Was he a Cherokee citizen? A. I guess he was, he was living there
- Q Well, did you go out of the Cherokee Nation during the war between the north and south? A I went out the time Chief Ross had, I went with him.
- Q I am talking about did you go out? A. Yes sir, I went with the soldiers.
- Q Where did you go? A. I went with the soldiers from here to Fort Scott, Kansas.
- Q Were you a soldier yourself? A. No sir, they wouldn't take me in.
- Q When did you return from Fort Scott? A I returned right back with them.
- Q What year did you come back? A. I can't tell you the year or anything about that, I returned back with the 6th Kansas Regiment.
- Q You didn't belong to the regiment? A, No sir, I was waiting on the Colonel.
- Q What time did they come back? A. I dont know what year
- Q Have you any witnesses? A. Yes sir
(By W. W. Hastings, Cherokee Attorney)
- Q Now, who did you come back here with after the war? A I came back with uncle Nelson Murrell.
- Q I thought you said you come back with the soldiers? A I went with the soldiers when they come the first time, and when they left Rays Mill they went to Fort Scott and I staid there till I came back with him.
- Q How long did you stay? A. I dont know just how long, they said the Cherokees would take them in.
- Q You dont remember what year that was? A. No sir, they told me 62 or '3.
- Q When you came back? A Yes sir.
- Q The war was over then? A. Yes sir, the war was all over then, yes sir
- Q You are the one that testified for your uncle Nelson before? A. Testified how? *
- Q You made the application for him didn't you? . No sir, I didn't; if I did I dont recollect.
- Q What time in the year did you come back? A It was along during the fall.
- Q came back in a wagon? A. Yes sir.
- Q You and your uncle Nelson Murrell together? A. Yes, we came back in a crowd with him.
- Q From what place in Kansas, Fort Scott? A Yes sir, Bourbon county, where we lived.
- Q You remember a man up there named Stewart? A I do not.
- Q After you went back after the war what did you do between that time and the time you came down here? A. Up to Fort Scott; why my father was a farmer and he farmed.
- Q Who was your father? A Caesar Murrell, he represented my father, my father, I understand, was named Joe Flowers, but I always kept Caesar Murrell.
- Q Was Caesar Murrell alive at that time after the war? A. Yes, he lived a little while after the war.
- Q Did he come down here? A. No sir, he never did.
- Q He died in Kansas? A. Yes sir.
- Q You staid with him after the war until you came down here? A Until he died, and after he died the children scattered around.
- Q You staid with him until he died? A. Yes sir.
- Q Was he through the army? A. Yes sir, right through the army, he died the next year after the next year after they moved from Rays Mill up there, the soldiers.
- Q That was after the war? A. Yes sir.
- Q About what time of the year did he die? A. I can't tell you exactly what time.
- Q Know whether it was the spring or summer or fall? A Indeed I can't tell you, I can't be positive.
- Q Did you farm with your father? A. Yes sir, I farmed with him.
- Q On whose place did you farm? A. I dont know who owned the place;

the man was named John McKibben.

Q How far was that from Fort Scott? A I cant tell you that, I think it was between Fort Scott and a place they called Marmaton City.

Q How old were you? A. I dont know, I dont know my age.

Q Were you grown at that time? A. No sir.

Q How old were you when the war came up? A. I dont know, I reckon I must have been about 10 or 12

Q What was Nelson Murrell doing up there after the war? He farm with your father? A Yes, he worked around up there, farming around and one thing and another.

Q On whose place did he farm? A He was working at the mill there, at one time called Brown's mill.

Q Was that at Fort Scott? A. No sir, it was between Fort Scott and Marmaton.

Q Did he work there in '65, the next year after the war? A No sir, he wasn't there then, he didn't stay there; he raised about two crops after the war ceased.

Q Well your father died, and your uncle Nelson - - - A I believe that is all they ever raised; the old man died the second crop after the war.

Q Did your uncle Nelson farm there at the same time close to your father? A. He was living at old man Brown's there in the mill.

Q Then when you came you all came together? A. Yes sir, all came together.

Q Did you come ahead of your uncle Nelson? A. No sir

Q Did he come ahead of you? A. No sir.

Q All came along in the same crowd the first time each of you came, you came together? A. All came together.

Q You all lived up there together until you came down? A. Yes sir, about up there.

Q You were neighbors up there? A Yes sir.

Q And you say when you came first he came? A. No sir, I said we all came together.

Q All came together? A. Yes sir.

Q And when he came you settled? A. Yes sir

Q And you staid in the neighborhood until he came ans he staid in the neighborhood until you came, and you all came together? A. Yes sir.

Q Did you state what time of the year that was you came? A. I cant tell exactly what time it was, because I didn't pay no attention at all to the year or anything about it.

Q You dont know the year then? A No sir; I know when the news came round among the Cherokee negroes, all living kinder together, when that news came, that the Cherokees was going to take the negroes back in here, then they all made a start.

Q In other words, you had heard of the treaty down here? A I dont know whether I heard of the treaty, the people said the Indiana was going to take the negroes back.

Q You had a crop in that year? A. I dont know whether I did or not

Q You know whether it was before or after Christmas? A I dont remember whether it was in the fall or not.

Q Did your uncle Nelson have a wife or not? A. Yes sir.

Q He brought her with him? A. Yes sir, she died up on Snow creek.

Q After she came out here? A Yes sir.

Q Did he have any children with him? A Had one, Joe Ross; wife used to belong to old Bushyhead Williams, one Divy Ross.

Q He had them children along? A. She was along in the crowd of course, she was Joe Ross' wife.

Q Well where did you first come to Henry? A. Q Well when we came there we camped up here on the Verdigris river.

Q About what place? A. We camped somewheres the first think I believe this side of where Coffeyville is now, somewheres in there; came from there and then moved on down.

Q Did you come through old Parker or Coffeyville when you came there? A No sir, if old Parker was there I didn't see any of it.

- Q Any town up there? A Never seen any town up there at all.
- Q Did you come through Chetopa? A No sir.
- Q Where did you go from where you camped down there? A I came on down the river, farther, and Uncle Nelson stopped on the east side of the Verdigris river.
- Q Now how far from the mouth of Snow creek was that? A Not very far, I cant state exactly the distance, not very far.
- Q Did you locate there permanently? A Yes sir, he did.
- Q Well, is that the place he is living now? A I believe it is, not far from there where he located; it is not very far.
- Q Did you build your house after you got there? A Yes sir, uncle Murrell, they built along in the winter sometime; I think it was along in cold weather.
- Q There wasn't any house built there when you came? A ~~Everything was~~ Not a house did I see.
- Q Everything was vacant when you came? A Everything was vacant.
- Q There was sign of human habitation? A Nothing at all only once in a while I saw a few Gaages.
- Q You saw no houses or no foundations or nothing? A I dont recollect seeing any.
- Q There wasn't any corn planted up there? A No sir, there wasn't nothing at all, no-broked land that I could see.
- Q Wasn't any hay patch or anything of that kind? A No sir.
- Q Did you come in the wagon with uncle Nelson or in a separate wagon? A No, we all came together, sometimes rode in other wagons and sometimes, in his.
- Q You never had a separate wagon of your own? A. No sir, never had one
- Q Uncle Nelson had a wagon? Q. Yes sir.
- Q One or two? A. I dont know about that.
- Q He built him a house down there shortly after he came? A Yes, sir, he lived in a tent for a while until he got kinder started up and then he built him a little log house-- cabin.
- Q Who was your nearest neighbors when you first located there; was there anybody lived at all in any of that section of country when you located up there? A Yes, there was uncle Jack Ross; no, there wasn't nobody living there, they all came down when Uncle Jack Ross and Joe Ross.
- Q Was anybody in all that section of country? A No sir, nobody perfectly wild, nobody in that country.
- Q That town of Blackdog there then? A. If it was I never heard of, never seen it, it might have been.

Nelson Murrell, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Nelson Murrell.
- Q What is your age? A. 77.
- Q What is your post office? A Coffeyville.
- Q Do you know the applicant, Henry Murrell? A. Yes sir.
- Q Is he any relation to you? A. None at all.
- Q Did you know him before the war between the north and south? A Yes sir.
- Q To whom did he belong? A. He was first belonging to one Looney Price and then to one George Murrell.
- Q Was George Murrell a Cherokee citizen? A. Yes sir, he was a citizen of the Cherokee Nation, his wife; he was a white man.
- Q His wife was a citizen? A. Yes sir.
- Q What was her name? A. Mandy Murrell.
- Q Well, do you know whether Henry Murrell, the applicant, lived in the Cherokee Nation during the war between the United States and the Confederacy? A. Yes sir.
- Q Where did he go? A. He went up north.
- Q Into the state of Kansas? A. State of Kansas.
- Q Do you know when he returned to the Cherokee Nation? A. Yes sir.
- Q When? A. In '68, fall of '66.
- Q Who did he return with? A. Returned with me.
- Q You and he lived together? A. Yes sir.
- Q He been living here continuously since that time? A Well, he lived

with me as a boy; I raised him.

Q You raised him? A. Yes sir, staid with me till he got to be a young man, then he was working around and dropped back home once in a while

Q Was he with you when you went out during the war? A. Yes sir, I carried him out.

Q And you brought him back? A. I brought him back.

Q You say he is no relation to you? A. No sir.

Q How does he happen to be the same name? A. All belonged to the same man.

(Mr Hastings)

Q He came back here, uncle Murrell, with you when you came back? A. Yes sir.

Q And you located at the mouth of Snow Creek? A. Yes sir.

Q And that is when he came when you all located permanently? A. Yes sir, when I came to locate permanently.

Q You had been here before that? A. Yes sir.

Q About how long before that had you been here? A. I had been here about three months, or four.

Q Had you put up a house at that time? A. Yes sir.

Q You had been down here and cut some hay before thay? A. Yes sir.

Q You had stacked it there? A. Yes sir.

Q You came back to that same place where you had put up the house and stacked your hay? A. Same place.

Q And you came back to that place with him? A. Yes sir.

(Commissioner) That was near the mouth of Snow Creek? A. Yes sir

Q He didn't come back with you the first time you came? A. No sir, came back with me the third time.

Q You had been up here and built a house? A. Yes sir, I had been here and built a house.

Q And went back to Kansas? A. Went again and came back.

(Mr. Hastings) You had been here in the year '65? A I came here in '65, February '6r; or '75.

Q You staid here and staded with the Osages all that year? A. Not all that year.

Q Three or four months? A. Yes sir.

Q You dont remember working for Brown's Mill up there between Fort Scott and Marnaton? A. Yes sir, I do.

Q Do you know Caesar Murrell? A. Yes sir.

Q Where did he die? A. Died in Kansas.

Q What year? A. I dont know.

Q Before you came or afterwards? A. Why before I came.

Q After the close of the war? A. No sir, while the war was going on.

Q He lived on Mr. Flowers farm up there, Caesar Murrell? A. He was gone away up in Kansas when he died.

Q And this hay and this house was where you came to with Henry Murrell? A. Yes sir

(By Commissioner) What was Henry Murrell's mother's name? A. Judy Murrell.

Q Supposed to be the son of Caesar? A. No sir, he wasn't he was only a step son of Caesar.

(Mr. Hastings) Where did George Murrell live himself when the war came up? A. Lived here.

Q He was living there personally was he? A. Yes sir.

Q His wife was living there with him at that place? A. Yes sir.

Q Where was Looney Price living when the war came up? A. On the Bayou about six miles from George Murrell.

Q In Tahlequah district? A. Between that and Fort Gibson.

Q George Murrell didn't go to Louisiana until after the war? A. No sir, he went backwards and forwards for some time.

Q And his wife was in the Cherokee Nation all the time? A. No sir, his wife was with him; she would go with him in the summer season.

(Commissioner) This George was your owner? A. Yes sir.

Henry Murrell, recalled, testified:

(Mr. Hastings) What did you do after you first came down here after the war? A. After the war, I staid with uncle Murrell a few

days and then went off to work.

Q Where did you go to work? A. I went then to driving cattle.

Q Who for? A. A fellow by the name of Henry Richards.

Q Where did Henry Richards live? A. I can't exactly tell, he told me he lived in Topeka.

Q He told you he lived in Topeka? A. That is what I was told.

Q He told you that at that time that was your information at that time? A. Yes sir, I heard that.

(Commissioner) Did he tell you? A. No sir, he didn't tell me.

(Mr. Hastings) That was the information you had at that time?

A Yes sir, the rest of the hands told me, is all I know about it.

Q That he was living in Topeka, where were you driving those cattle?

A Around on the prairie.

Q Where? A. All around over there above here on Snow creek.

Q Did he have a great many cattle? A. Sometimes he would get up altogether I guess three or four hundred before they would ever make a move, herd them around until they would get a bunch together and then take them off.

Q That was a short time after you came down here, a few days? A. Yes sir.

Q How long did you herd cattle for Richards? About two years I guess.

Q Then what did you do? A. I went to work for other herders.

Q In the Cherokee Nation? A. Yes sir.

Q What other herders? A. I herded cattle for a while for Ed Huron down in the Cherokee Nation.

Q What was your wife's maiden name when you married her? A. Malinda Mason.

Q Where did she live when you married her? A. The first time I seed her was in Coffeyville.

Q You married her there? A. Yes sir.

Q Lived here ever since you married? A. Yes sir.

Q Ever work any in Kansas? A. Yes sir.

Q When? A. Many several times in Kansas since I have married.

Q Where since you have married? A. In Coffeyville.

Q Any other place besides Coffeyville? A. I worked a little in Independence.

Q Your wife with you? A. No sir.

Q You and she ever keep house in Coffeyville? A. No, she staid with her mother in Coffeyville; we kept house one year there in Coffeyville.

Q Keep house in Independence? A. No sir.

Q She ever live with you there? A. Yes sir.

Q How long did you live there? A. I didn't stay very long, I went there one winter up there.

Q Where were you married now? A. Three and a half miles this side of Lenapah.

Q How long had you been there? A. Been there 13 years.

Q When were you married? A. I was married 26 years ago.

Q The other thirteen years after you married until you moved to Lenapah, did you ever keep house in the Cherokee Nation before that? A. Yes sir.

Q Where? A. At the mouth of Possum creek.

Q How long did you live there? A. I lived there on the north side of Possum creek there for about a year, then I moved from there on this side of Possum creek and lived.

(Commissioner) This man Richards that you herded the cattle for, was he a white man? A. Yes sir.

Q You don't know where he lived? A. No sir, they told me he lived there that is all I know about it.

Commissioner: Henry Murrell applies for the enrollment of himself and three minor children, Willie, Jesse, and Nola B. He also applies for the enrollment of his wife as an intermarried citizen. He avers that he was married to her in the State of Kansas, but presents no certificate of marriage. He has lived with her continuously since the marriage, and as the result, has

three minor children, for whom he applies. He avers that he was the slave of George Murrell and his mother was named Judy, and he avers that he was a slave and went into the state of Kansas during the war and returned in '86. He cannot be identified upon the roll of 1890 or the census roll of 1896, but is fully identified upon the Kern Clifton roll. His children, applies for are also identified upon the Kern Clifton roll. Said Henry Murrell and his children as enumerated herein will be listed now as Cherokee freedmen upon a doubtful card and his wife, Malinda will be listed for enrollment as a Cherokee freedman by intermarriage upon a doubtful card. It will be necessary for him to file with this Commission a certificate of his marriage.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce G. Jones.

Sworn to and subscribed before me this the 28th of June 1901.

(Signed) T. B. Needles,
Commissioner.

I, Chas. von Weise, upon my oath state that the foregoing is a true copy of the original.

Chas. von Weise

Subscribed and sworn to before me this the 28th of August, 1901.

T. B. Needles

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JUL 13 1891

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 24, 1901.

In the matter of the application of John Murrell for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A John Murrell.
Q What is your age? A 23.
Q What is your post-office address? A Lempah.
Q What district do you live in? A Cowwasonowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Just myself.
Q What is your father's name? A Henry Murrell.
Q Is he living? A Yes sir.
Q Your mother's name? A Lindy Murrell.
Q Is she living? A Yes sir.
Q Your name on the roll of 1880? A No sir.
Q Are you married? A No sir.
Q Where were you born? A They said I was born in Coffeyville, I don't know.
Q Where have you lived? A In the Territory ever since I was born.
Q Claim citizenship through your father or mother? A Father.
Q Did you ever draw Strip money? A Yes sir.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified on page 170 #4187 John Murrell, Cowwasonowee District.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found therein.

- Q You say you have always lived in the Cherokee Nation since you were born? A Yes sir.
Q You would go out in Kansas sometimes? A Yes sir, I went to school in Coffeyville part of two sessions.
Q You worked up there sometimes? A No sir, I never worked up there.
Q Where do you live now? A 3 miles south of Lempah.
Q On a farm? A Yes sir.

Com'r Needles: John Murrell applies for the enrollment of himself; he cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; he is duly identified upon the Kern-Clifton roll; and as he is a child of Henry Murrell who has been listed for enrollment D card 788, and a copy of the testimony in the matter of Henry Murrell will be made a part of the record in the case at hand, and will be filed therewith; said John Murrell will now be listed for enrollment as a Cherokee Freedman, on a doubtful card; he will be notified by mail of the action of the commission in the premises.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereon.

Subscribed and sworn to before me this July 8, 1901.

File with Cherokee Freedman D-688, John Murrell.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 19, 1901.

In the matter of the application of Nelson Murrell et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of Cherokee Nation.

Appearances:

Wesley A. Smith, of counsel for applicants;
J. S. Davenport, of counsel for Cherokee Nation.

R. M. ALLEN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A R. M. Allen.

Q Where do you live, doctor? A I live north about a mile of Coody's Bluff, when I am at home.

Q What is your postoffice? A Coody's Bluff.

Q How long have you lived in the Cherokee Nation? A Ever since 1868.

Q Where did you live prior to coming to the Cherokee Nation? A I was in Dexter Springs.

Q When you came to the Cherokee Nation in '68 to what point did you come? A Down on what is known as the Journeycake Prairie.

Q Are you a citizen of the Cherokee Nation? A Yes, sir, so recognized.

Q By blood? A By adoption, or marriage.

Q To a Cherokee? A To a Delaware.

Q How did you come to the Cherokee Nation before or after the Delawares came down here? A Afterwards.

Q Do you know the applicant in this case, Nelson Murrell? A Well I met the old gentleman to-day, that is the first acquaintance that I have with him.

Q Where were you in '68 after you came down to the Cherokee Nation, what section of the country? A I was on the Journeycake Prairie, boarding with old man Journeycake.

Q How far was Journeycake living south of the Kansas line at that time? A Said to be about 24 miles.

Q Well was you out ever that country or back and forth to the Kansas line any in the neighborhood or vicinity of Snow Creek?

A Yes, sir.

Q Who was living along near Snow Creek at that time? A The last house going to Snow Creek from Journeycake's was this man Little Buffalo.

Q What was he? A He was a Delaware.

Q Where was the first one, or how many houses along there? A After you left old man Journeycake's, the first house would be the widow Goodtraveler, and the next would be Jim Wilson, the next house a man by the name of John George lived there, and the last house right on the road was a man by the name of Little Buffalo.

Q Were you out over the country around Snow Creek during that year?

A What year, '68?

Q Yes, that is the year you said you came down? A No, I don't think I was any that year.

Q Well, was you the next year? A Yes, in the fall of '68 I made a trip to the Kansas line.

Q To what point in Kansas did you go? A Well they were going to build this town called Parkersburg, and I went up there, thought maybe I would buy some lots, me and old man Journeycake and one Daniel R. Hicks, and we went right up the Verdigris Valley.

Q On what side? A East side, and I crossed Snow Creek right

where it ran into the river, there was a man lived there, or was living there the last time I was there, by the name of Singleton, I didn't know him.

Q Now how from the Kansas line is it to where Snow Creek empties into the Verdigris River, or about how far? A I don't know, four or five or six miles, I don't know how far, it is not a great ways.

Q Do you know whether or not Snow Creek heads in the Territory or Kansas? A I have heard it said it did, but I never followed it.

Q You never saw the applicant, and have been acquainted with him? A I don't remember the old gentleman till to-day I met him and some man introduced me to him, Sam Webber I believe.

Q Was there any colored people living there on Snow Creek? A I didn't see any on that trip.

Mr. Smith: What did you say your name was? A Allen.

Q Doctor Allen? A Yes, sir.

Q Are you a physician? A Yes, sir.

Q Physician and surgeon? A Yes, sir, I followed it a while, I graduated at the Rush Medical College in Chicago in '66.

Q Will do you practice medicine out there now? A Well just a little, not much.

Q You went there when? A I landed at old man Journeycake's house on the 25th of July, 1868.

Q Is that on Snow Creek? A No, sir.

Q How far was that from Snow Creek? A Fifteen or twenty miles.

Q Then how long was it from that time until you were on Snow Creek?

A I went on Snow Creek in the fall of '69.

Q How long is Snow Creek? A I don't know.

Q Well, did you go all up and down Snow Creek from one end to the other? A No, sir, crossed Snow Creek, didn't go up nor down it.

Q Then where were you going to? A I was going to the Kansas line where they were going to built that down called Parkersburg.

Q Did they built it? A They did, afterwards.

Q How long afterwards? A The next time I was there they had quite a town there.

Q How long was that? A Might have been a year or eighteen months, might be not so long, I think I went up there, if I remember right, the 29th day of May, the next spring.

Q Well, did they have any town there when you went there the first time? A No, sir.

Q Did they have any town laid out? A I saw some lumber along town there.

Q Did they have any ~~whitfixtawxtballt~~ plat, town plat? A I never heard of it.

Q Didn't you inquire? A Yes, I inquired about it, but I couldn't find any man that would give me sufficient news about it to purchase any lots.

Q Did you buy any lots? A No, sir, I didn't.

Q Did you ever buy any in Parkersburg? A No, sir, never did.

Q What did you go back for the second time? A Well sir, the next time, next May I thought I would go back and buy my household utensils.

Q Did you buy them? A I did.

Q How far was it from Journeycake's where you started to Parkersburg? A Oh it is 25 or 'a miles.

Q And in what direction was Parkersburg from Journeycake? A Well sir, it is north, and I believe a little west.

Q How far was Parkersburg from the Kansas line? A Well, they didn't know where the line was in that day.

Q They didn't know? A Not then they didn't.

Q How far is it from where the Kansas line is now? A Well I suppose three or four miles, I never heard anybody say.

Q Now you started in the fall of 1868 from Journeycake's, did you? A Yes, sir.

Q Where did you? A I started from home.

- Q Where did you live? A I lived up at Coody's Bluff.
- Q How far was that from Journeyoke's? A About four miles.
- Q In what direction from Journeyoke's? A North.
- Q Then you started from four miles north of Journeyoke's in the fall of '69 to go to Parkersburg? A Yes, sir.
- Q How did you travel? A I went horseback.
- Q And was there a road to travel? A No, there was no road.
- Q Wasn't any road? A No, I didn't follow any road.
- Q Then did you cross Snow Creek? A Yes, sir, I crossed it.
- Q Once or more than once? A I only crossed it once going up.
- Q And once coming back? A Yes, sir.
- Q Where did you cross it? A I crossed it going up tolerably close to the river at a place where a fellow named Singleton lived afterwards.
- Q Well, how far was that from the Kansas line? A I don't know, four or five miles I guess, I think Snow Creek is about that distance from the Kansas line.
- Q Well, it is not the same distance from the Kansas line all the way along, is it? A I don't know, I never followed up the Creek.
- Q You don't know anything about the community below where you crossed or above where you crossed? A No, sir.
- Q All you know is just the place you crossed? A Yes, sir, where I crossed at.
- Q Well traveling in the direction that you were going you came right into right angles with the Creek? A I kept right up the river valley on the east side of the river till I struck the creek.
- Q And crossed the creek? A Yes, sir.
- Q You didn't have to follow the Creek? A No, I didn't follow the Creek.
- Q You just simply crossed Snow Creek in 1869? A Yes, sir.
- Q Well now then you are not prepared to say that this applicant, Nelson Burrell, wasn't living on Snow Creek in '69? A I am prepared to say I didn't see any houses nor farms in the travel.
- Q But you say you only touched Snow Creek at one point? A That is all.
- Q And there wasn't any houses right there? A Wasn't any houses in sight, I didn't see any houses.
- Q Up or down the Creek? A No, sir.
- Q If there had been a house a quarter of a mile up the Creek or a quarter of a mile down the Creek you couldn't have seen it?
- A Yes, sir, if a house had been out on the Prairie a quarter of a mile from me then days I could have seen it.
- Q Under favorable conditions you could have seen it? A Yes, sir.
- Q That is all you know about this matter, is it? A Yes, sir.

SIMON LOVE, being duly sworn by Commissioner Needles, testified as follows:

- Mr. Davenport: What is your name? A Simon Love.
- Q Where do you live? A Claremore.
- Q How long have you lived in the Cherokee Nation? A Ever since '68.
- Q Are you a Cherokee or a Delaware Indian? A Delaware.
- Q Did you come to the Cherokee Nation before or after the treaty made with the Delawares and Cherokees? A After.
- Q What was your father's name? A My stepfather's name was Buffalo.
- Q Well, did he have any English name? A Little Buffalo they called him.
- Q Did your father move to the Cherokee Nation when you did, or was you a child at that time and came with him? A I came with my stepfather and mother.
- Q What was your stepfather's name? A Little Buffalo.
- Q Well, when you came to the Cherokee Nation, to what point in the Cherokee Nation did you come? A We came on Cedar Creek, about

fifteen miles from Coffeyville, Kansas.

Q On what side of the Verdigris River did you locate? A The east side.

Q How far from what is known as Snow Creek? A Six or seven miles I should judge.

Q Do you know, and did you know at that time, where Snow Creek empties into the Verdigris River? A Yes, I don't know exactly where it empties, then.

Q Had you ever been on Snow Creek? A Yes, sir, I had been on Snow Creek but I had not been to the mouth of the Creek.

Q When you located in '88 on Snow Creek did you make any trips or anything up and around Snow Creek? A Yes, sir, we used to go up Snow Creek going to check up there on Pumpkin Creek in Kansas, we did our trading up there, a man by the name of Lushbaugh kept a store.

Q Who was living on Snow Creek at that time? A I don't remember that there was anyone living there.

Q Was there any houses there? A There was one house there that I can remember, a carpenter that built our house lived there, a man named Baker, in the fall of '88 he built our house.

Q Do you know the applicant in this case, Nelson Murrell? A Yes, sir.

Q Well, how long have you known him? A I just can't tell how long.

Q Do you know where he lives now? A Yes, sir.

Q Well where does he live now in regard to where that fellow Baker lived at that time, how far? A Yes, he was right south, right at the edge of the flat, Snow Creek and Verdigris flat is where Baker lived when I went after him to come and build our house; I think that was in the fall of '88.

Q Where does the applicant live with reference to that? A Right north of it.

Q About how far? A I can't tell you how far.

Q Do you know how far, that is what I am trying to get at; have you ever been to his house? A No, sir, never was at his place.

Q You don't remember then how long it has been since you knew this applicant, Nelson Murrell? A No, sir, don't remember.

Q Well, was there any colored people living around that section of the country that you saw when you went up to Baker's? A No, sir.

Q Did you ever get acquainted with a family of Littles, Steve Little's family? A Yes, sir.

Q Where were they living? A Living on Snow Creek.

Q What part of Snow Creek with reference to where it empties into the Verdigris River? A I should judge about three quarters of a mile or a mile I should judge of the mouth; of course I have never been to the mouth of Snow Creek.

Q When did they come in there and locate, if you know? A I don't know when they came in.

Q Well, how long have you known that family? A Well I have known them quite a while.

Q Well, did you get acquainted with them immediately after you came in there? A Yes, sir.

Q Well, where were they living with reference to the locality of where Baker was living, when you got acquainted with the Little family? A They lived southeast of where Baker lived.

Q Well, did they live nearer the river than Baker did, or farther away from the river than Baker? A I think they lived a little farther away, a little farther east.

Q How long since you have been in that locality? A I haven't been in there quite a while, I don't know really.

Q I believe you stated you came down the Missouri River made the treaty with the Cherokees, or before that, is that right? A Afterwards.

Q Did you come the same time the Cherokees came, or did your father come the same time they came? A Same time, his was the first train that came down.

Q Well, Mr. Love, you and your family were among the first

Delawares that came to the Cherokee Nation after the Delawares made the treaty with the Cherokee Nation? A Yes, sir.

Q And you have lived in the Cherokee Nation ever since? A Yes, sir.

Q You are a citizen of the Cherokee Nation? A Yes, sir, only what time I have been out to school I didn't live here.

Q Well now at what place did you locate when you first came here, your family? A Right near the mouth of Cedar Creek.

Q How far was that from the Kansas line? A On a straight line about eleven or twelve miles.

Q What direction? A South.

Q Into what stream did Cedar Creek empty? A The Verdigris.

Q Into what stream did Snow Creek empty? A The Verdigris.

Q Were you ever at the place where Snow Creek empties into the Verdigris? A No, sir, I never was right at the mouth of the Creek.

Q About how far north of the mouth of Cedar Creek was the mouth of Snow Creek? A Well straight through, it is about seven or eight miles.

Q The way the road ran how far was it? A I should judge about that, the road ran pretty straight through.

Q Well, did you have a house to live in when you first came there?

A No, sir.

Q What season of the year did you come to the Nation? A February.

Q Then did you get a house? A Got a house the next fall; that is, a man built our house.

Q How old were you when you came here? A I was about 15.

Q Where did you remain during the months from February until you got your house built the following fall? A Right there at home.

Q Now you know this old man Nelson Murrell? A Yes, sir.

Q And you have known him a long time? A Quite a while, I can't remember just what time.

Q A great many years? A I can't remember how long.

Q Been so long you can't remember when you first did know him?

A Been fifteen or twenty years.

Q Been longer than that, hasn't it? A I don't think it has.

Q How long has it been since you first came down here? A I came here in '68.

Q Well, how many years? A 33 years.

Q Well, now about how long have you been knowing old man Nelson Murrell? A I should judge about fifteen or twenty years; when my mother died I left there, went to old Mrs. Connor's.

Q How many years was that after you came down to the Cherokee Nation, that you went to Connor's? A About '71.

Q About that? A Yes, sir.

Q You had been in that Cedar Creek country then only two or three years when you left there? A Yes, sir, that was all.

Q You were still a boy when you did leave? A Yes, sir.

Q Now you didn't go, while you were up there, to the mouth of Snow Creek, where it empties into the Verdigris? A No, sir.

Q You know how long Snow Creek is? A No, sir.

Q You know how far it is from the mouth of Snow Creek to the point where Snow Creek enters Kansas, or the Territory from Kansas? A No, I have no definite idea, about five or six miles though.

Q You don't know; you never were as up the creek then from the mouth of the creek up to the Kansas line? A Only right there along the road here I crossed Snow Creek.

Q Now where would you be going when you would cross it? A Well, up into Kansas.

Q To what point? A A place they called Glymore, on Pumpkin Creek, a trading point, or post.

Q Now what was the nearest town of any note to you in the Cherokee Nation, store or postoffice, or anything of that sort? A There was none.

Q How far did you live from the mouth of Cedar Creek? A About a

mile, not quite.

Q Then you were about a mile from the Verdigris? A Yes, sir.

Q And about a mile from the place where Cedar Creek enters the Verdigris? A West of where it enters the Verdigris, it makes a bend there.

Q When you had to go to Kansas, what direction did you travel?

A North.

Q In what direction did Snow Creek run? A Well I think it ran northeast, that is, it headed northeast and ran southwest I think.

Q Well, it was more or less of an east and west course, wasn't it now? A Yes, sir, southwest and northeast.

Q Well did you go anywhere else, have occasion during the time you lived there to go any other place except Olymore in Kansas?

A Well I went after that carpenter that built the house.

Q I mean outside of the carpenter and Olymore? A No, sir.

Q So when you went to Olymore you crossed Snow Creek? A Yes, sir.

Q Be you know how far you crossed it from the mouth? A I judge about a mile and a half, it is what they call now the Reed Crossing, Luman Reed Crossing.

Q Now do you know how far that is from the mouth of Snow Creek?

A I should judge about a mile and a half or two miles.

Q Or two, and might be farther? A Might be, I don't know where the mouth is, I never was at the mouth of Snow Creek.

Q Now then when you were traveling from where you lived to Olymore, you just simply came to Snow Creek and crossed and when you came back you would come to it again and cross it? A Yes, sir.

Q Now then you can't swear Nelson Murrell didn't live on Snow Creek at the time you crossed it? A I didn't see any houses.

Q You can't swear he didn't live there? A No, I can't.

Q You can't swear there wasn't a house there? A I don't think there was a house there.

Q Except at the place you crossed? A There wasn't any houses there.

Q How about a mile up the creek or a mile down the creek? A That I can't tell.

Q You don't know, do you? A No, I don't think there was any houses.

Q Don't think, I want to know what you know; can you state upon your oath that there wasn't a house a mile up the creek or a mile down the creek? A No.

JOHN SECONDINE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A John Secondine.

Q Where do you live? A Up at White Oak.

Q That your postoffice? A Yes, sir.

Q How long have you lived in the Cherokee Nation? A I believe I have lived here about 34 years, since '38.

Q What is your nationality, are you a Cherokee or Delaware? A I am a Delaware.

Q Did you come to the Cherokee Nation before or after the treaty was made with the Cherokee Nation and Delaware? A Well I came here a year before they moved down here.

Q Well, what year was that in? A When I first came here, that was in '67, in August.

Q Well, when you came to the Cherokee Nation in '67 in August, to what point did you come? A Well we came up there about Snow Creek.

Q Well, what part of Snow Creek? A I guess it must have been about three miles above the mouth of Snow Creek.

Q Who was living there at that time, if anyone? A Well I didn't see anybody living there at all.

Q How long did you stay there? A Well, we stayed there at that

as a week or ten days somewhere along there.

Q Was there any houses around there? A No, sir.

Q Well, were you up and down the Creek any, or did you just camp and stay in one place? A We, we looked all around the country there, we came down here to find locations to settle on, we went up and down the Creek, in fact we traveled all around the country there looking at the country.

Q Any houses at all that you found; if so, where were they and who was living in them? A No, sir, never saw any houses.

Q Were you down the Creek to where it empties into the Verdigris?

A Yes, sir.

Q You went up the Creek above where you camped, did you not, towards the Kansas line? A Went up pretty near the head of the Creek, it is pretty much all prairie up there.

Q Do you know the Applicant here, Nelson Murrell, that old gentleman (indicating applicant)? A I have seen him.

Q Was he living there on Snow Creek when you were down there in '87? A I didn't see him, I didn't see anybody, there was no settlement there.

Q You went up and down the Creek you say? A Yes, sir, there was no settlements there.

Mr. Smith: You live out here close to Vinita now? A Yes, sir, I live at White Oak.

Q About how long have you been living there? A I have been living there 16 years I believe.

Q You related in any way to Journeyoake? A Yes, sir.

Q What relation? A Second cousin I believe.

Q How far did you live, when the Delawares first came down in the Cherokee Nation, from Journeyoake's? A I lived six miles above, north.

Q Six miles north of Journeyoake's? A Yes, sir.

Q How far from the Kansas line? A That is about twenty miles, somewhere along there, I guess.

Q How far is it to the town they started up there in Kansas called Parkersburg? A Let's see, I guess it is close onto twenty or twenty-two miles I guess.

Q How far did you live from the Verdigris River? A Lived about three quarters of a mile.

Q What direction, west, or north? A East.

Q How far was that from the mouth of Snow Creek? A It must be about twenty miles.

Q Twenty miles from the mouth of Snow Creek? A Yes, sir.

Q Do you know a family in there by the name of Love? A Yes, sir.

Q Where did they live? A They lived up there below Goose-neck Bend, what they call now.

Q Up close to Verdigris River? A Well they were right there in the edge of the bottom, they lived right in the bottom when they first came down here.

Q How far from the Kansas line? A I guess it must be about ten or twelve miles.

Q How far from you? A Oh about 10 miles.

Q In what season of the year did you arrive in the Cherokee Nation?

A Well I think the 9th day of February.

Q Who did you come with; that is, I mean your own immediate family, your father? A No, my mother.

Q Well, where did you live when you first came here; did you have a house? A No, sir, I didn't build any house that spring, after we got here we stopped over until spring came up in the spring of '68.

Q And then built a house? A No, I didn't build any house then, we moved over to Grand River that spring and made a crop over there.

Q How far from this place on Verdigris? A This was on Grand River, it is about forty miles.

Q Now if I understand you, you came on the Verdigris River about 1867? A I sent you to understand this; we didn't move down in '67,

I came down here to look at the country.

Q Then what did you do? A I went back to Kansas.

Q How long did you stay? A Well, we stayed a year.

Q It took you a year to look at the country? A No, we stayed about two months here.

Q When, in '67? A Yes, sir, two months on the Verdigris.

Q About twenty miles below the mouth of Snow Creek? A No, we stopped up there about ten days and Snow Creek.

Q Well, when did you stop on Snow Creek? A In '67.

Q What time? A In August.

Q In August, '67? A Yes, sir, I don't remember the date, but it was in August.

Q Well, about what point on Snow Creek did you stop? A Well about three miles above the mouth of it.

Q And then you came on down about twenty miles below the mouth of Snow Creek on Verdigris? A Well, we camped on down, we would stop and camp a week or so and then move on down a piece.

Q Then you was coming how long altogether, about two months? A Two months.

Q Then you went back to Kansas? A Yes, sir.

Q How long did you stay in Kansas? A We stayed till - I left there in February, about the first of February.

Q What year, '68? A '68.

Q Where did you go? A Came down here.

Q To Grand River? A No, sir, we came on down the same route we came when we came the first time.

Q How long did you stay in that part of the country where you first came to? A Well about two months.

Q About what time was it when you moved out of that neighborhood?

A It was about along in the first of April, somewhere along there.

Q Then did you move to Grand River? A Yes, sir.

Q That was 35 or 40 miles away? A Yes, sir.

Q Were you back in there at any time soon? A I came back again before Christmas.

Q Back in there again? A Yes, sir.

Q Where were you then? A I was over there about Coody's Bluff.

Q Up about Snow Creek? A No, below there.

Q Well, how far is it, do you know, from the mouth of Snow Creek to where Snow Creek enters the Territory, the Cherokee Nation? A Well I can't exactly tell, it is not very far.

Q Well not guessing at it, but stating it from your absolute knowledge, do you know? A How far from the Kansas line; well there used to be two miles, there was a two mile strip there a while back, and the last line they made was, I guess it must be about three miles I guess from the line.

Q You mean the mouth of Snow Creek? A Yes.

Q Then you camped right exactly on the Kansas line? A No, sir.

Q I thought you said you camped three miles from the mouth of Snow Creek? A Up Snow Creek.

Q Well there wasn't any more Snow Creek after it runs into the Verdigris, was there? A No, I guess not.

Q It has to be up Snow Creek if it was anywhere? A Yes.

Q Well you said you camped three miles from the mouth of Snow Creek?

A Yes.

Q Then you were right exactly on the Kansas line, weren't you? A No, I was right east, Snow Creek runs kinder east, kinder of a northeast.

Q Well, wasn't there anybody living on Snow Creek at all? A No, sir, I didn't see anybody to my knowledge, there wasn't anybody living there.

Q Well, there was a carpenter living there that built this fellow Love's house? A The Delatours never moved here till '68.

Q You said you were back there in '68, what I am asking you about,

you were back there in '68, were you on Snow Creek then? A I think I was there.

Q Wasn't anybody living there? A I didn't see any; I didn't stop then, only just I was on the road, I didn't stop to look around like I did the year before.

Q Well you don't know when this carpenter that this other witness got up there to build his house, built his house up on Snow Creek, do you? A No, sir.

Q Can't say that wasn't there in '68 though, can you? A No, sir, can't swear it wasn't there.

Q Can't swear it wasn't there in '67? A Well sir I don't believe it was there.

Q You don't believe it was, but you don't know? A Because I didn't see them, there was no settlement there.

Q All you know is you didn't see any houses there? A It would have to be a pretty small house if I didn't see it.

Q Well, they didn't build brown stone fronts, five story houses up there in that time? A No, sir, they built cabins.

Q What was it along Snow Creek, timber or prairie? A There is some timber there.

Q You could stick a little cabin around there most anywhere, couldn't you? Well that is all you know about it, Mr. Secondine, that you didn't see a house there; you can't say that Nelson Murrell didn't have a house there and you can't say he wasn't living there when you first went there, positive, upon that date? A I didn't see anybody and didn't see any houses.

Q But you can't say he wasn't there? A No, I can't say he wasn't there, but I didn't see any houses, and didn't see anybody, no colored people.

HENRY MELTON, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A Henry Melton.

Q Where do you live? A I live up on Snow Creek.

Q How long have you lived up on Snow Creek? A Well I don't know now, I had a man to figure up how long I had been on Snow Creek, I have been on Snow Creek 37 years, the way he figured it.

Q Do you know the applicant here, Nelson Murrell? A Knewed him all the days of my life.

Q Was he living up there when you lived up there? A Yes, sir.

Q Near what place, how far is he living from where Snow Creek empties into the Verdigris? A Go right straight through the flat, it is about two miles I think to the mouth of Snow Creek.

Q Where were you living when the war broke out? A Living on Bird Creek.

Q You know where Nelson was? A Yes, sir.

Q Was he there with you? A No, sir, he was down here to Park Hill.

Q Do you know of your own knowledge, or how do you know where he was when the war broke out? A Yes, sir, I know, because I used to go from Bird Creek down there.

Q How long before the breaking out of the war had you been down there? A I don't know, I can't tell.

Q Well, had it been a year or two years or six months, what do you think about it? I want to get the facts there, about how long it had been before the war came on? A I can't tell you.

Q You and Nels belonged to the same man, did you, before the war?

A My mistress' daughter married Uncle Nels' young master, John Nave.

Q Who did Uncle Nels belong to when he went by the name of Murrell? A George Murrell.

Q Is that the same George Murrell that lived in Virginia part of the time and here part of the time? A I guess that is the one.

I don't know it.

Q I will ask you if it is the same Murrell that lived near Park Hill at the spring, the big spring on the road there going out towards Wagoner from Park Hill? A Yes, sir.

Mr. Smith: I object to that, because it is leading.

Q Did you know Chlorea? A Yes, sir.

Q Do you know whether or not she is the wife of Nelson Murrell now? A Yes, sir.

Q Who did she belong to? A Belonged to Lewis Melton, he raised both of us.

Q Where was Chlorea when the war came on? A I don't know where she was.

Q Was she there at home? A No, sir, she wasn't here when the war broke out, she went off.

Q Well, did she just go off of her own accord, or do you know about that? A No, she run off.

Mr. Smith: This Chlorea Murrell was owned by the same man that owned you, you say? A Yes, sir.

Q What was his name? A Lewis Melton.

Q Was he a citizen of the Cherokee Nation? A Yes, sir.

Q And he was living in the Cherokee Nation at the time the war commenced? A Yes, sir.

Q And Chlorea Murrell had run away from him and you don't know where she was? A Don't know where she was.

Mr. Davenport: Do you know who she run off with? A Yes, sir, my woman will tell you that.

Taking of testimony continued by Stenographer J. O. Rosson.

Prace O. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Prace O. Jones

Sworn to and subscribed before me this the 8th of November, 1901.

[Signature]

Commissioner.

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Department of State, Bureau of Consular Affairs, Office of the Chief of the Consular Section, Washington, D.C.

1. The undersigned, being duly sworn, deposes and says that he is the owner of the vessel named "The George Washington" and that he is the master of the same.

2. That the vessel named "The George Washington" was chartered to the United States Government by the Department of State, and that the vessel was used for the purpose of transporting mail and passengers.

3. That the vessel named "The George Washington" was chartered to the United States Government by the Department of State, and that the vessel was used for the purpose of transporting mail and passengers.

4. That the vessel named "The George Washington" was chartered to the United States Government by the Department of State, and that the vessel was used for the purpose of transporting mail and passengers.

5. That the vessel named "The George Washington" was chartered to the United States Government by the Department of State, and that the vessel was used for the purpose of transporting mail and passengers.

6. That the vessel named "The George Washington" was chartered to the United States Government by the Department of State, and that the vessel was used for the purpose of transporting mail and passengers.

7. That the vessel named "The George Washington" was chartered to the United States Government by the Department of State, and that the vessel was used for the purpose of transporting mail and passengers.

8. That the vessel named "The George Washington" was chartered to the United States Government by the Department of State, and that the vessel was used for the purpose of transporting mail and passengers.

October 19th, 1901.

Taking of testimony in matter of the enrollment of NELSON MURRELL, ET AL., C.F.-D.#548, continued. Former portion taken by stenographer Bruce C. Jones.

APPEARANCES:

Mr. Smith, of Counsel for Applicant;
Mr. Harvart, of Counsel for Cherokee Nation.

MINTIE MURTON, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A Mintie Murton.

- Q Where do you live, Mrs. Murrell? A On the Verdiggis.
- Q How long have you lived in the Cherokee Nation? A Here in the Nation all my life.
- Q You know the applicant, Nelson Murrell? A Yes, sir, I know him.
- Q Do you know his wife? A Yes, sir.
- Q How long have you known her? A I knowed her a little while, I knowed her for slave time, before the war.
- Q Well, do you know where she was when the war broke out?
- A No, sir, I don't.
- Q Did she belong to the same parties that you belonged to?
- A No, sir.
- Q How far did she live from you before the war; you were slaves when you first knew her? A Yes, sir.
- Q Was she a slave of the same parties you were? A No, sir.
- Q How far did she live from you? A 12 miles I think.
- Q Well, you say you don't know where she was when the war broke out? A No, sir.
- Q Had she left that country or not? A I don't know where she went; I guess she went off I reckon, I don't know anything about where she went.
- Q What was your father's name? A His name was Robert Vann was his name.
- Q Where was he when the war broke out, do you know? A No, sir, I don't.
- Q Well, did you ever see him after the war broke out? A I seen him after he come back from Kansas.
- Q About when did you see him? A When did I see him?
- Q Yes? A I can't tell exactly when it was.
- Q Well, have you seen Nelson's wife after you came back after the war? A This lady he has got now?
- Q Yes. A No, sir, they lived up here.
- Q I mean since you have moved up in this country? A Yes, sir.
- Q Is she the same woman you knew before the war? A Same woman.
- Q And you say you didn't know where she was? A No, sir.
- Q Was she with her owners that owned her when the war broke out? (No response.)
- Q Was she at their home? A Well, I don't believe she was right at home.
- Q Do you know where she was or what became of her? A I don't know where she was.
- Q Do you know how she come here, what the circumstances of it was?
- A I guess she went off.
- Mr. Smith: I object to what she says.
- Witness: She lives with Lewis Murton and I live on Caney.
- Q Isn't it a fact that your father and she ran off and left this country before the war broke out?
- Mr. Smith: I object to the question, if the Court please, because it is leading. And the applicant says she does not know.
- Com'r Needles: Let the objection be entered.
- A She was at home and I was at home; I don't know where she went

to and I never visited there.

Q Wasn't it understood by you that she and your father ran off together before the war and left the country?

Mr. Smith: I object to that.

COV'R NEEDLES: You know whether your father and she went off together? A I guess so; they lived at Melton's and I lived at home.

MR. DAVENPORT: You don't know whether they were living at Melton's when the war broke out or not, do you? A No, sir. When the war broke out it wasn't no time to know where anyone lives.

MR. SMITH: How far was it from where Lewis Melton lived to where you lived? A 12 miles.

Q You don't know what took place when the war broke out? A No, sir.

Q You don't know where she was when the war broke out? A No, sir.

HENRY MELTON, recalled, further testified:

MR. DAVENPORT: Henry, what was your wife's father's name, do you know? A Robert Vann.

Q Did he belong to the same men you did? A No, sir.

Q Did you ever know him before the war? A Yes, sir; he was living with Joe Vann.

Q Did Nelson Murrell's wife belong to the same party that you belonged to before the war? A Yes, sir.

Q Well, where was she when the war broke out? A I told you she was gone.

Q Do you know where Robert Vann was? A He must have been with that woman.

Q Was he there with Vann when the war broke out, or was he in the country? A He had a ranch and he went and stold Flory from my Masters.

Q Where did they go? A I don't know where they went.

MR. SMITH: How do you know he stold her? A Wasn't I there when he brought her there to where I was.

Q Did you see him? A Yes, sir, and talked with him.

Q Did you? A Yes, sir, and hoped him get off that night.

Q What night? A The night he left, and then I met my old boss, Walk Vann himself, waiting for me to see if he could hear from that woman, and I told him that Louisa took Flory to Joe Vann's and got Mr. Joe Vann to buy her.

Q Where did Joe Vann live? A On Grand river, in the Cherokee Nation.

Q And you think he had Flora over about Joe Vann's? A I don't know.

Q What did you say about Joe Vann? A I said I was there when he brought her there.

Q Didn't you say a while ago that that is where she was when the war broke out? A No, sir.

Q Have you told now all you know about this case? A Yes, sir.

Q Have you left anything for your wife to say? A No, sir.

MR. DAVENPORT: Just told the facts? A Yes, sir.

MR. SMITH: This is the second time you have been on the stand isn't it? A Yes, sir.

Q Were you asked the question the first time you were on the stand who did Flora run off with; were you asked that question?

A Yes, sir.

Q The first time you were on the stand? A Yes, sir.

Q Did you say "I don't know, my old woman can tell you?" A I said-

Q Did you say "I don't know?" A No, sir.

Q You didn't say that at all? A No, sir.

PHILIP R. CASAR, being duly sworn by Commissioner Needles, deposes as follows on oath of the Cherokee Nation:

MR. DAVENPORT: What is your name? A Phillip R. Casar.

- Q Where do you live, Mr. Caesar? A Muskogee.
- Q Where were you at the close of the war? A At the close of the war I was in the war, in the army.
- Q Where were you mustered out? A I was mustered out at Fort Leavenworth.
- Q Well, after you were mustered out where did you go? A After I was mustered out I came to the Territory.
- Q What part of the Territory did you come first? A First I came to Cherokee Nation.
- Q Near what point? A Here on the Verdigris somewhere about the Verdigris, little creek called Snow creek.
- Q How long did you stay in that vicinity there? A I stayed there only one season, one year.
- Q What year did you come to the vicinity of Snow creek, Mr. Caesar? A It was '67, Spring of '67 that I came.
- Q Well, be it when it may when you came there, who were living on Snow creek? A Wasn't anybody.
- Q Was there any improvements made by anyone around there? A No, sir, only improvements I knowed of there at the time and they were little, and then I--not an improvement, but just fencing and put in a little crop of corn the year I came there.
- Q How far was the improvements that you made from where Snow creek empties into the Verdigris? A Well, now, I couldn't tell you; it was a very short distance; we stayed right in a flat near the mouth of Snow creek and Verdigris.
- Q Short distance away? A Yes, sir.
- Q Are you acquainted with the applicant here, Nelson Murell, the gentleman who sits there, the old gentleman on the front seat? A No, sir, I am not personally acquainted with him.
- Q You are a citizen of the Creek Nation aren't you? A Yes, sir.
- Q Well, during the time you lived there did anyone come in there and settle on the creek, or near there; do you remember the names of anybody? A I don't remember the names of anybody. Before I left there they was a family started an improvement up the Snow creek above I and also one up the Verdigris; up the Snow creek from the mouth and up the Verdigris from the mouth of Snow Creek.
- Q That was before you left there? A Yes, sir.
- Q Was there any Indians in that part of the country before you left? A Yes, sir.
- Q Do you remember any of their names? A Oh, yes, I remember there was an Indian there that I did some work for, man by the name of Love...
- Q You did some work for him before you left there? A Yes, sir.
- Q Do you remember his first name? A The young man employed me at the time there was Snow, and Sam.
- Q Where did they live with reference to where you settled, or had they built their improvements at that time? A They had started their improvements, they was down across the Snow creek from where I was.
- Q Were you on the north side, what I would call the north side of Snow creek, or south side; I mean by that, were you in between the river and Snow creek? A Between the river and Snow creek.
- MR. SMITH: How far were you away, Caesar, from the mouth of Snow creek? A In about, I could not tell, it was a short distance it was just a flat.
- Q Mile or ten miles? A About somewhere, a mile, might be a mile or mile and a half.
- Q From the mouth of Snow creek? A Yes, sir.
- Q How far was that from the mouth of Cedar creek? A I don't know a creek by that name.
- Q How far was that from the line of Kansas? A The exact distance I could not tell; it was not very far.

Q About how many miles, as near as you can come at it? A Well, if I would have to say according to my judgment, because at the time I never paid any attention whether it was half or 25 miles, but living there, to Chatopa it might have been four or five miles, that I would say that then it would be just according to my judgment.

Q Well, when you left there did you leave for Chatopa? A When I left there?

Q Yes? A Yes, when I left that section of country I went to Snow creek, when I left Snow creek I went to this man Love, and from Love's I went to Chatopa.

Q How far did you live from Snow creek? A I raised one little crop on Snow creek.

Q When did you get there? A Along in the spring, about February or March.

Q Did you have a family? A No, sir.

Q Where did you live? A I lived right in a house with a man by the name of Steve Little.

Q Lived in Little's house? A Yes, sir.

Q About a mile or mile and a half from Snow creek? A Yes, sir.

Q Did you live right on the bank of Snow creek? A No, sir.

Q How far did you live? A Somewhere about a mile from the river.

Q Well, I know from Verdigris, how far from Snow creek? A About the same distance.

Q Now, how long is Snow creek? A I don't know.

Q How far is it from where you lived down there on Snow creek to the Kansas line, or where Snow creek enters the State of Kansas?

A I don't know.

Q Did you ever go up the creek? A I sometimes went up it, but I can't tell.

Q You have been in the state of Kansas? A I have been, but I can't tell how long the creek is.

Q So you don't know then anything about how far it was from where you lived to the place where Snow creek enters Kansas? A No, sir; I could not tell you.

Q Well, as a matter of fact you don't know anything about it then; you didn't see anybody living there except those you have mentioned?

A No, sir.

Q Timber along there wasn't it? A Yes, sir, timber on up and down the creek.

Q You don't pretend to swear that man Nelson Murrell wasn't living there? A No, sir; I said I didn't know that he was living there as Nelson; but there was just before I left there there was a family right in the mouth of Snow Creek where I lived; there was a family started a settlement up Snow Creek from the mouth and also a family started an improvement up the Verdigris from where we lived.

Q You don't know how long those families had been there in that part of country? A No, sir.

Q Where they came from? A No, sir.

Q Don't know anything about it? A No, sir.

Q How long were you in the army? A In the army about two years and two months.

Q Where did you join? A I joined about the 9th of August.

Q What year? A '63.

Q And how long were you in the army you say? A I was in the army two years and two months somewhere about that.

Q What time did that let you out? A I got out in September, well, in about, I was discharged in September, '65.

Q Where were you when you were discharged? A Fort Leavenworth.

Q How long did you stay in Fort Leavenworth? A I stayed in Fort Leavenworth until the spring of '67.

Q Well, how many years? A Well, from '65 until '67.

Q And then where did you go? A To the Cherokee Nation and from Cherokee Nation to the Creek Nation.

Q How long before you got into the Creek Nation? A I could not tell just how long, just back and forth, I was alone, single and I went to and fro from the one country to the other.

Q When did you first go to the Creek Nation after the war? A I went to the Creek Nation the first year I came and left from the Creek Nation, then back to the Cherokee Nation at the settlement called the Big creek settlement.

Q Don't you know when it was you first went to the Creek Nation? A No, sir.

Q How did you get to be a citizen of the Creek Nation? A By Act, passage of Council acknowledging my arrival.

Q When? A I was in the Creek Nation in the limit, the 12 months.

Q Twelve months from when? A From April the 13th or 16th I suppose.

Q April 16th, what year? A From the passage of the treaty.

Q When was that? A '67, April, '67.

Q When you worked for Love where did he live? A Cherokee Nation.

Q Have a house to live in? A Oh, yes, he had a little, just little place started and I worked for him.

Q Just started, well, was it a house or not? A House I suppose.

Q Don't you know, don't you know a house when you see it?

A Yes, sir.

Q Was it a house or not? A Yes, sir.

Q Now, what year was that? A That was the year of '68, it seems to me it was the year after I left Snow Creek.

Q How early in '68 and how late? A Now, the days of the year and so on, I could not tell; it was about hay making time.

Q Do you know who built his house? A No, sir the house was there when I went there.

Q Do you know anything about a carpenter before that time that lived up on snow creek and built Love's house?

A I don't know.

Q Wasn't any living up there? A I don't know.

Q You didn't see him? A I didn't see any, I wasn't acquainted with the people.

Q People lived around there that you didn't know anything about?

A I don't know; it might have been these people I am talking about.

Clerk's Needles: This testimony will be made part of the record in the case at bar, and it will also be made part of the record in Cherokee Freedmen doubtful cases #350, #562, #758, #923, #783 and #924.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this October 25th, 1901.

Commissioner

VALLEY

8 8082

to and described below in the City of Boston, 1881

[Handwritten signature]

COMMISSIONER

MASS. U.

The first complaint filed against me in a special session never heard
disseminated and returned to the public domain, and the same is
the defendant to the law qualified judges in connection with the
power of general public order and asks they be favorable to

Under
that of the subject in question 8-1881 and also of the 1-1882 and
received in the case of the case and a copy of the same with the
complaints. This complaint with the copy of the

to and described below in the City of Boston, 1881

to and described below in the City of Boston, 1881

File with Cherokee Freedman D-832, John Murrell .

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 28, 1901.

In the matter of the application of Ann Johnson for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

Mallett & Smith, attorneys for the applicant;
W. W. Hastings, of counsel for Cherokee Nation.

W. B. ROWE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A N. B. Rowe.

Q What is your age? A 33.

Q What is your postoffice address? A Rose.

Q What district do you live in? A Salina.

Q How long have you lived in Salina district? A Why I have lived there all my days, nearly.

Q Lived there before the war? A Yes, I lived there before the war.

Q Lived there after the war? A Yes, sir.

Q Did you know a colored man by the name of Dennis Murrell? A Yes, sir.

Q How far did Dennis Murrell live from you? A He lived about a mile or a half mile or something like that.

Q How long did he live that distance from you? A Well he lived eight or ten years, ten or twelve years.

Q Did you know him well? A Yes, I knew him well, he worked there for my father all the time.

Q Now how far did you say he lived from you; that was after the war, was it? A Yes, that was after the war; he lived a quarter or a half mile from my place there.

Q Did you know a sister of his by the name of Ann Murrell? A No, sir, I never knew her.

Q Did you ever see her there? A No, sir, I never saw her.

Q Do you know this applicant, whose name now is Ann Johnson, but whose maiden name was Ann Murrell? A No, sir, I don't know her.

Q Never did know her? A No, sir.

Q Did you ever see her there at Dennis Murrell's? A No, never saw her at Dennis Murrell's at all.

Q Do you know whether Dennis brought her down there with him just after the war or not? A Well I saw Dennis when he first came in there and he came in by himself.

Q He came alone? A Came alone, yes.

Q Didn't bring Ann with him? A No, didn't bring anyone with him, came alone.

Q And he lived there within a quarter or half a mile of you for eight or ten years? A He lived there till '75, he died in '75.

Q Was this girl there when he died? A No, sir, she wasn't.

Q What you mean to say, you never did see or know of her? A Never did see or know anything of her.

Q Well, could this girl have lived there all this time and you not know her? A No, I was there at Dennis Murrell's occasionally and Dennis worked there at the old man's, at my father's, all the time.

Mr. Smith: Mr. Rowe, where did you say your postoffice was? A Rose.

Q Well, who was Dennis Murrell's father? A I don't know anything about his father.

Q Did you ever know a Caesar Murrell? A No, I never known Caesar Murrell.

Q Did you ever know Judy Murrell? A No, I never knew Judy Murrell.

Q Where was it that you were in the habit of seeing Dennis Murrell?

at the time you speak of? A There at my father's place and at his own place.

Q Where was that? A In Saline District.

Q What postoffice or what town was it near, or what creek, how was it identified? A Well, it was in Saline District on Spring Creek; there was a creek run right by the place by the name of Spring Creek.

Q Now you didn't know any Caesar Murrell and you don't know Judy?

A No, sir.

Q You don't know whether there was an Ann Murrell who afterwards became Ann Johnson, that was a daughter of these two people, or not?

A No, sir.

Q You don't know anything about the family history of the people I have named as to whether they were Cherokee slaves or not? A No, I don't know anything about them, about Caesar.

Q And you don't know when this Ann Johnson who is the applicant in this case came to the Cherokee Nation at all? A No.

Q All you know about it is you didn't see her at Dennis Murrell's?

A No, I never saw her, never did see her.

Q Now what time in the year did you come back after the war; did you go out during the war? A No, I didn't go out.

Q You stayed right in the Nation? A Yes.

Q Now when was it that you saw Dennis Murrell, during what period of time? A What time he came there?

Q Yes, and from that time on how long did you see him? A Well, according to my recollection, that he came in the fall of '68, and that winter he went to work for my father, and he worked around there and made him a little place and worked for my father until in '75, and he died in '75.

Q How far did he live from you, during the year '68? A Why he stayed around - his wife stayed where her daddy was, but he worked right there at the old man's all the time, at my father's.

Q Where was Dennis' wife? A She was there with her father.

Q Where was that? A Right on up the Creek to about a mile of where I lived.

Q Now Mr. Rowe, if this Ann that we are inquiring about had been a little girl at that time, why she might have been there for a short time and you not know anything about it? A No, I was around through that country all the time, and if she had been there I guess I would have seen her.

Q If she had been there long enough, but suppose she had been there a short time; you were not there every day? A No, sir, I wasn't there every day.

Q Nor every week? A Yes, I reckon I was there every week.

Q And you think you didn't see her? A No, I never saw her, never did see her.

WILLIAM RAY, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A William Ray.

Q What is your age? A 68 past.

Q What is your postoffice? A Garnett, Kansas.

Q You are a citizen of the State of Kansas? A Yes, sir.

Q Mr. Ray, when did you go to Kansas, move there? A Moved in along in '87 or '88.

Q After the war? A Yes, sir.

Q Did you live in the town of Garnett? A I did.

Q Have you lived in that vicinity since you first went there in '67 or '68? A Lived right in the same town and county.

Q I will ask you if you know a colored man by the name of Caesar Murrell? A Caesar Murrell, I did.

Q Did you know his wife? A Yes, sir.

Q What was her name? A Judy they called her.

Q Did you know her daughter there, by the name of Ann? A Well we called her Judy too, I guess that is the one.

Q You knew her, did you? A Yes, sir.

Q Now how long have you known Lucy Ann and her parents; when did you first know them? A I got acquainted with her parents the first few days I got to Kansas.

Q Where were they living? A They lived about three miles from Garnett on a farm.

Q Well, when did you get acquainted with Lucy Ann? A Oh well she was small then, I knew her but she was small; I never got acquainted with her for quite a while afterwards, she was a child and I never got acquainted with little children much.

Q You saw her though? A Yes, sir.

Q Well how long did you continue to see her around there? A I don't know, I saw her off and on until after she married; quite a bit.

Q Who did she marry? A She married a man, if I am not mistaken, by the name of Johnson.

Q What is his name? A Blake is what I always knew him by.

Q Well, did she live up there from the time you first knew her until she married? A Well I presume she did, as near as I know.

Q Ever know of her going away in the meantime before she married?

A Oh she might have went away when they go, lots of us, to Mound City to celebrations.

Q I meant to live? A No, I never knew her to go away to live; she might have went away on visit.

Q Where was she married? A She was married there at Garnett.

Q About when did she marry, about how long ago? A I can't say exactly when she did marry, it must have been along in the early part of eighty, perhaps, around about there some place, I never kept no count, 81 or '82 years, somewhere along there, must have been.

Q Well, how long did she live there after she married? A I don't know as I can say right down how long, but it must have been in the neighborhood of two or three years.

Q Did she have any children there? A I think she had two.

Q Do you remember their names? A I don't remember but one of them, I am positive pretty near about the oldest one's name.

Q What was that? A I think the oldest one was named Dorothy; the other ones I never paid no attention to.

Q Where did she and her husband live after she married; in town or out of town? A In the country.

Q On a farm? A Yes, sir.

Q On whose farm? A It was then known by the name of Harvison's.

Q What direction from town was that? A Pretty near right due west, a little north of west.

Q Do you know where they went when they left there? A They moved close to the town on a little farm, I think it was eight or twelve acre piece belonging to Dr. Lindsey.

Q Do you know where they went when they left the vicinity of Garnett? A No, I don't, only just what I heard I don't.

Q Did you know a brother of Ann by the name of Henry? A I was acquainted with Henry Murrell, somewhat, a little.

Q Was he living there with his parents when you first came there?

A When I came there he was I think making it his home, he was hired out to a man named Cox.

Q What doing? A Working on a farm, splitting rails, cutting wood, etc.

Q How long did you know him around there after you became acquainted with the family? A I don't know how long it was, to the best of my judgment, of course he was a young man coming and going, but I was acquainted with him myself, I might say acquainted, up until at least eight or ten years.

Q Do you know where he married? A Not only just what I heard; it was either Independence, Kansas, or Coffeyville, I don't know which.

Q Did you ever see him after he left Garnett? A Oh yes.

Q Where? A I saw him back there at Garnett.

Q I mean did you ever see him any other town? A I saw him at

Coffeyville once.

Q Did he ever tell you where he was living when you saw him back at Garnett? A No, sir.

Q Did you never ascertain from him where he was living? A I might have, I don't recollect it now at this time.

Q Do you know whether he has got a son or not, this Henry Murrell, named John? A I did know the boy when he was a little thing, a little boy.

Q Well, where did Caesar Murrell die; is he dead? A Yes, sir.

Q Where did he die? A Died in Garnett.

Q Where is Judy? A She lives there in Garnett.

Q She live there yet? A She was when I came from home, I saw her a day or so ago.

Q Well, how far did you live from this family the first few years after the war, say the first ten years, up there, Caesar and Judy?

A When I first got acquainted with them, they lived about three miles in the country, and lived there quite a number of years, and then he traded his place in the country for a house and lot in town, about three blocks from where I lived, and he lived there until he died.

Q Did he own his home? A Yes, sir.

Q Own the farm out there that they traded off? A Yes, sir, I presume he owned it, I never looked at the books to find out, but everybody said he owned it.

Q It was known as his property? A Yes, everybody said he owned it.

Q Do you know whether Caesar voted up there or not, exercised the rights of citizenship? A He voted.

Q How about Henry? A I presume he voted too.

Mr. Smith: Wait a minute; you testify to what you know.

A Oh we all voted there, I don't know anything about it, we all voted.

Q How big a place was Garnett when you first went there? A Garnett was a small place when I went there, I think there was three stores, three or four, in the town.

Q A small town? A Yes, sir, there wasn't over eight or nine hundred in the neighborhood, about that.

Q How about it now? A Well, she is claimed to be around about twenty-five hundred I guess.

Q What is your occupation? A Farming.

Mr. Smith: You say Henry Murrell had a son named John? A Yes, sir, at least ~~that~~ that is what they told me; he was a small boy when I knew him.

Q Who told you his name was John? A Why his mother and his father, of course I have seen his mother several times since on a visit up there once or twice.

Q How long since you have seen John? A I don't know.

Q About how long? A I don't know as I have seen him more than once, after that, since he left there.

Q How long ago has that been? A I don't know, it must be right around about 16 or 18 years perhaps, or more.

Q Twenty probably? A I don't know, maybe, I can't identify myself to what year.

Q How old was John when he left there when you saw him twenty years ago? A He was a small boy, his mother had him up there with her.

Q Did she have any other children? A I disremember now, but it appears to me she might have had about two, I don't know, she came to our town I think and stayed quite a while seeing the folks; I can't say how many children.

Q How did you happen to remember all this time that that boy's name was John? A Well sir, the memory of mine isn't very strong.

Q You remember the names of all the little boys you knew twenty years ago, I suppose? A No, sir, I didn't say so, but the most of the little boys in town that I was acquainted with the family of them, and they go away, or I see them in the street, they know me and I know

their name very quickly who they are.

Q You remember the names of them all? A No, sir, I didn't say that.

Q Twenty years ago? A No, sir, I don't say I do for all of them, I don't think I can.

Q How do you happen to single John out and remember him? A I was personally acquainted with the family of Blake Johnson's wife, his oldest child, I just happened to know it, by being acquainted with the family, of course I knew Blake Johnson's wife when she was a very little girl, not very old, and I knew all of the family when I went there, there wasn't very many colored people in the camp.

Q And you just remembered this little girl's name now for twenty years? A No, I didn't say I remembered that alone, I remembered that and other things too.

Q That was one of the things you remembered, was it? A Oh I remembered it because I talked with the old woman about him, and then Henry, his name was up there not long ago.

Q Which one? A I forget his name, a younger one.

Q How long has that been? A If I am not mistaken, it was either this spring or last fall.

Q Can't you remember his name six months? A I don't know as I ever heard his name, I might have heard it, but I never paid no attention to it.

Q How did Henry's boy, a younger one, being up there help you to remember John's name? A He didn't.

Q Why did you mention it? A I called over his father's and mother's name and I would ask him what his father was doing now, I was acquainted with his father in early days, and I asked him what his father was doing, and he went with me in the country, it was in July he was up there if I am not mistaken.

Q And still you never found out his name? A I might have found it out and never paid no attention, I got him a job in the country.

Q You never learned his name? A I might have, but I never paid no attention.

Q You can't remember it now? A I might if I heard it called now.

Q But you remember this boy's name? A Oh I remember his name just like that, I meet people here to-day and I can't remember them until my memory come to me.

Q When did you first become acquainted with Caesar Murrell? A In a few days after I got to Kansas, after I landed in Kansas.

Q When did you land there? A Either '67 or '68, around about '68.

Q Where were you from? A North Carolina.

Q Where did you live when you first came out there? A Right in the City of Garnett.

Q And where was Murrell living? A Living out in the country somewhere about three miles from the town.

Q How often did you see Murrell during the year 1868? A I can't say.

Q How often did you see his wife during the year '68? A I can't say, I worked right close by them and I might have seen them three or four times a day and might not have seen them so often; I worked right by them.

Q I am asking you how often it was? A I don't know how often I saw them.

Q Now you say there was a girl there named Lucy Ann in this family?

A We called her Lucy, is what I first said.

Q Then you didn't call her Ann at all? A They might have had an Ann to it, but we never called her that.

Q I am not asking you what might have been, I am asking you what was? A I called her Lucy.

Q That was the name she was known by? A Yes, sir.

Q You don't know who that old woman was talking about is the same woman that is mentioned in the evidence, is not? A I can't testify because I haven't seen her to-day.

Q How long since you have seen her? A I don't know, been quite

a while, I can't say what year.

Q About how many years? A I don't know what year it was.

Q About ten years? A Oh it must have been along early in the eighties, latter part of seventies or early in eighties, I can't define the times right down because I don't know positive.

Q And the Henry Murrell you are talking about, you say he was in and out? A Yes, sir.

Q How about this girl Lucy that you spoke of, you say she was there when you first knew her? A Oh she was a small girl.

Q Well, did she appear to be five years old or ten? A Oh yes, she must have been along about eight or ten years old, might have been older than that, I didn't keep her age.

Q You say she stayed up there in Kansas until she married? A Well if I am not mistaken I would she might have went off on visits etc. and so on.

Q She couldn't have gone unless she went on a visit? A Oh she might, I am not going to say she didn't.

Q I just want to know what you are going to say, now this Lucy that you spoke of, you don't know anything about her whereabouts before 1868? A Not anything, no, sir.

Q Do you know where she married? A Yes, sir.

Q Where? A Garnett.

Q You see it? A I wouldn't be positive whether I saw her married or not, I saw so many of them married there I can't be positive about her, but I am sure I saw her mighty quickly afterwards before they went to bed; I am sure of that.

Q What makes you remember that? A Well my memory goes that way that I know that, because we had a little kinder of a party and he was an old chum of mine and we had a good time together.

Q Who was? A Blake Johnson.

Q You say she had two children born in Kansas? A No, sir.

Q Didn't you swear that a while ago? A No, sir, I said one and perhaps two.

Q Well, did she have one? A Why I am satisfied she had one.

Q Did you officiate on that occasion also? A No, sir.

Q How do you know she had one born? A Oh it was called here.

Q How do you know where it was born? A I can't identify, but well I went to see them and saw them at their house and when I came there one time and there isn't any child there and so again, there was a little boy there, and they calling it their own baby, it makes me satisfied it is theirs.

Q When you go to a place and there isn't a baby there and when you go back and the baby is calling 'mama'? A No, I didn't say that; no, I started to, but I caught myself.

Q Now the truth about it is you don't know anything about it, whether she had a baby there or not? A I wasn't graney.

Q You are simply trying to swear to a little more than you know?

A No, sir.

Q You don't know, do you? A No, sir, I don't propose to say anything I don't know.

Q As a matter of fact you don't know where her children were born?

A I don't know whether they were born in the bed or not.

Q You don't know whether they were born in Kansas or not? A That is all right, if you say I can't that is all right.

Q What do you say? A I say they were, there was a child born there.

Q Will you swear this woman had any children born in Kansas?

A No, I can swear it was called here there.

Q Then you don't know whether it was here or not? A I didn't see it born.

Mr. Hastings: This woman you say is called Lucy, who was the child of Caesar and Judy Murrell, married Blake Johnson? A Yes, sir.

W. A. JOHNSON, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A W. A. Johnson.

Q What is your age? A 71 years old.

Q What is your postoffice? A Garnett, Kansas.

Q How long has that been your postoffice? A Since 1888.

Q Did you know a colored man by the name of Caesar Murrell?

A Yes, sir.

Q Did you know his wife Judy? A Yes, sir.

Q When did you first learn to know them? A Well, about the winter of '65 and '66.

Q Where were they living? A They were living there in the vicinity of Garnett.

Q How long did Caesar Murrell continue to live there in that vicinity? A He lived there until he died, about - I have no very definite way of fixing the date, but it has been some from eight to twelve years, somewhere along there.

Q Is his wife living yet? A Yes, sir, she lives in Garnett.

Q Did you know a daughter of theirs by the name of Ann? A A daughter of Murrell's?

Q Daughter of Caesar Murrell? A Yes, sir.

Q Did you know her husband? A She married a man by the name of Johnson, I know him.

Q Do you know how long they lived around there after her marriage to Johnson? A I don't remember just the time they were married, but they lived there for a number of years, they were in the country not far from Garnett; the last I knew of them they lived some eight or ten miles from town.

Q Mr. Johnson, did you know Henry Murrell, the son of Caesar?

A Yes, sir.

Q How long did you know him there after the war? A Some 15 or 16 years.

Q Do you know what he did? A Why he was a kind of a roustabout in the hotel there for a number of years.

Q He was the son of Caesar and Judy? A Yes, sir, understood to be and so recognized.

Q Mr. Johnson, I believe you are a practicing attorney? A Yes, sir, I have been since '63.

Q You hold any official position now? A No, not at present.

Q Well, you have held some official positions there? A Yes, sir, I have held a number of official positions, I have been County Attorney, I was presiding judge of the Court of Appeals of the Southern Department of Kansas, and Chief Justice of the Court of Visitation.

Q You have had an opportunity of knowing most everybody around in that vicinity, I judge? A Why I thought I did, I knew most everybody in the county at one time; the county was sparsely settled for a number of years after the war.

Q About how large a place was Garnett in '65 or '7 along there?

A I should judge from about eight hundred to a thousand.

Q What is its population now? A Something like three thousand.

Q You know whether Caesar Murrell owned property there? A He did.

Mr. Smith: Mr. Johnson, when did you say your acquaintance with Caesar Murrell began? A Sometime about the latter part of '65 or '66.

Q Don't know which? A No, sir, he was there when I got home out of the army, and I came home in November, '65.

Q When did you first see to know who she was, the girl you designate as Ann? A I can't say.

Q Was there any member of Caesar Murrell's family called Lucy?

A I believe there was, I am not certain about that, but I think there was.

Q Were Lucy and Ann sisters? A I suppose so.

Q About how large was Ann when you first knew her, if she wasn't grown, or was she grown? A I have no definite recollection about the child, when I first saw her, when or where or any of the circum-

stamped.

Q You don't remember anything at all about the child? A No, not until she was grown and married.

Q Now as to Henry Murwell, how old was he, or how large, when you first knew him? A Well he was a lad something like fifteen or sixteen years old.

Q State whether he was in Garnett continuously or whether he was there part of the time and away part of the time? A That I can't say, whether he was away at any time or not; if he was I failed to miss him.

Q You probably would not have missed him if he had been away? A No, sir, I would not.

Mr. Hastings: Now the girl that you spoke of as the one that married Blake Johnson? A Yes, sir.

Commissioner: This testimony will be made part of the record in the case at bar, and a copy thereof will be made part of the record in Freedman D-432, and also in D-832 and D-788.

Bruce C. Jones, being duly sworn, says that he stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 9th of November, 1901.

Commissioner.

AMTLEK

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,

In the matter of the application for the enrollment of
Henry Murrell et al., as Cherokee freedmen, consolidating the
applications of:

Henry Murrell et al	Cherokee Freedmen	D-788
John Murrell	Cherokee Freedmen	D-832

DECISION.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Henry Murrell for himself, his wife, Melinda Murrell, and his minor children, Jesse, Willie and Mela B. Murrell; and by John Murrell for himself. The said Melinda Murrell claims only as a citizen by intermarriage and her rights are not passed upon in this decision. Copies of the testimony taken at various times in the matter of the applications of Nelson Murrell et al., and Ann Johnson as Cherokee freedmen, are made a part of the record herein.

The evidence shows that the applicant, Henry Murrell, was the slave of a Cherokee citizen at the commencement of the rebellion; that he went to Kansas during the rebellion and returned to the Cherokee Nation with Nelson Murrell. The Commission has heretofore found in the case of said Nelson Murrell, Cherokee freedman D-548, that he did not return to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, et al., vs. The Cherokee Nation et al., for the return of freedmen to said Nation; therefore, said Henry Murrell did not return within the time specified in said decree, supra.

The evidence further shows that all the other applicants herein were born since 1865, and that they are the descendants of said Henry Murrell and have no rights to enrollment except such as they may have derived through him.

None of the names of the applicants herein are found on the 1860 unadorned roll of the Cherokee Nation.

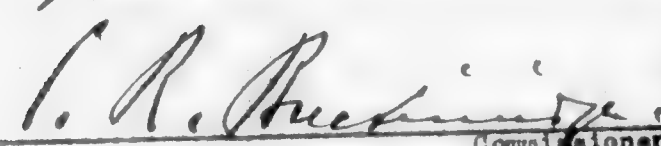
It is, therefore, the opinion of this Commission that the applications for the enrollment of Henry Murrell, Jesse Murrell, Willie Murrell, Mela B. Murrell and John Murrell as Cherokee freedmen


should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


_____ Chairman.


_____ Commissioner.


_____ Commissioner.

Date  at Muskogee, Indian Territory,
this JUL 29 1904

002
D-532.

Muskogee, Indian Territory, August 1, 1904.

John Harrell,

Lenapeh, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated July 29, 1904, rejecting, among others, your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

J. B. Needles.

Encl. B-195.

Commissioner in Charge.

Register.

COPY.

Cherokee Freedmen

D-832 D-788.

Muskogee, Indian Territory, August 1, 1904.

Hastings, Bell & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 29, 1904 rejecting the applications for the enrollment of Henry, Jesse, Willie, Nola B. and John Murrell as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

J. E. Needles

Encl. 8-197.

Commissioner in Charge.

COPY.

Cherokee Freedmen
Bureau

Washington, Indian Territory, August 1, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the consolidated case of Henry Murrell et al., including the Commission's decision dated July 29, 1904, rejecting the application for the enrollment of Henry, Jesse, Willie, Nola E. and John Murrell as Cherokee freedmen.

Respectfully,

T. B. Needles.

Encl. 5-198.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

COPY

Cherokee Freedmen

D-837 1-700

Muskogee, Indian Territory, August 1, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the consolidated case of Henry Murrell et al., including the Commission's decision dated July 29, 1904, rejecting the application for the enrollment of Henry, Jesse, Willie, Nels B. and John Murrell as Cherokee freedmen.

Respectfully,

I. B. Needles

Encl. 6-198.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

(COPY)

DEPARTMENT OF THE INTERIOR,

Refer in reply
to the following:
Land 53805-1904
The Honorable,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, September 27, 1904.

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes dated August 1, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Henry Murrell for himself and his minor children, Jesse, Willie and Nola B. Murrell, and by John Murrell for himself.

July 29, 1904, the Commission decided adversely to all the applicants.

The record shows that the principal applicant, Henry Murrell was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that he left the Cherokee Nation during the war and returned with Nelson Murrell. On August 31, 1904, the Department affirmed the rejection of the claim of Nelson Murrell on the ground that he did not return to the Cherokee Nation on or before February 11, 1867. The evidence further shows that all of the other applicants were born since 1866; that they are the descendants of Henry Murrell and have no rights to enrollment except such as they may have derived through him.

None of the applicants is identified on the 1880 authenticated Cherokee roll but all are upon the Kern-Clifton roll.

In view of the record the approval of the Commission's
decision adverse to the applicant is recommended.

Very respectfully,

A. C. Fisher

Acting Commissioner

W. H. H.

(COPY)

W O F

Y P

D E K

DEPARTMENT OF THE INTERIOR,

D O 40232-1904

WASHINGTON, October 18, 1904.

I. T. D. 6168-1904.

LRS

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

August 1, 1904, you transmitted the record in the consolidated Cherokee freedman case of Henry Murrell, et al (P. D-832, D-788), including your decision of July 29, 1904, rejecting the application for the enrollment of Henry, Jesse, Willie, Mola B. and John Murrell.

Reporting in the matter September 27, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan

1 inclosure.

Acting Secretary.

COPY.

Cherokee Freedman
D-632

Muskege, Indian Territory, October 28, 1904.

John Murrell,

Lenapah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 29, 1904, rejecting, among others, the application for your enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 16, 1904.

Respectfully,

SIGNED. *Tame Dixby.*
Chairman.

COPY.

Cherokee Freedmen
B-788, 2-23-04

Muskogee, Indian Territory, October 29, 1904.

Bell, Hastings and Devenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated July 29, 1904, rejecting the applications for the enrollment of Henry, Jesse, Willie, Mola B. and John Murrell as Cherokee Freedmen, was affirmed by the Secretary of the Interior on October 18, 1904.

Respectfully,

SIGNED, *James Dixby,*
Chairman.

COPY

Cherokee Freedmen

D 852

Muskogee, Indian Territory, January 6, 1906.

John Murrell,

Denapah, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of December 23, 1904, asking to be advised as to the status of your application for enrollment as a Cherokee freedman.

In reply you are advised that on October 18, 1904, the Secretary of the Interior affirmed the Commission's decision of July 29, 1904, rejecting your application for enrollment as a Cherokee freedman, of which action you were notified by letter on October 28, 1904.

Respectfully,

(SIGNED)

Tame Bixby.

Chairman.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT

SS

In the matter of the application of John

Murrell

for enrollment as a Cherokee Freedman.

No. F. D. 832

Henry Pash, of lawful age, being duly sworn on
oath states that on the 20th day of September, A. D., 1901, he registered
to John Murrell whose postoffice is Lenapah

Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto
attaches the receipt of the Postmaster at Fort Gibson Indian Territory;
and that on the 28th day of September, 1901, he received the return
card which is hereto attached, signed by the said John Murrell, showing
that he had received said notice.

Subscribed and sworn to before me on this the 28th day of Sept, A. D. 1901.

J. C. Starr
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

OCT 2 1901


ACTING CHAIRMAN

19 70 1000

NOTICE!

IN THE MATTER OF the application of..... John Murrell.....
for enrollment as Cherokee Freedmen:
Case No. F. D. 832.....
To..... John Murrell..... Lenapeh..... I. T......

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of..... Vinita.....
Indian Territory, on..... Oct...... 19th..... 1901..... at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this..... SEP 20 1901.....

L. B. Bell

W. W. Hastings
J. P. Davenport
Attorneys for the Cherokee Nation.

B

30832

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 24 1901

[Handwritten Signature]
ATTORNEY GENERAL

CHEROKEE FREEDMEN.

JUN 22 1901

Date

Post Office

Lenape, Ga

District

600

1. Name

John Murrell

Age

23

Owner's name

Citizenship

Year

R.C. Page 170

No.

4187

District

600

Parents:

Father

Henry Murrell - living

Citizenship

Mother

" " "

Citizenship

2. Name of wife

Age

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Citizenship

Mother

Citizenship

Names of Children:

	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

~~Doubtful~~

Application made by

No. 1

Stenographer

M. D. Green

X Ref 10788

1000000000

3

MAR 22 1961

[Handwritten signature]
ALVIN R. BARRON

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Dr. John Furrell,

Lenapeh, I. T.

Cherokee-P-D-633.

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cher. Fr. R. 752

Trans. from C. Fr. D. 837

Cher. Fr. R. 752

6

J.S. 837

1. The Board of Directors of the National Bank of Commerce and Finance, New York, has resolved to pay to the order of the National Bank of Commerce and Finance, New York, the sum of \$100,000.00, for the purpose of purchasing the stock of the National Bank of Commerce and Finance, New York, and to issue new stock in lieu thereof.

2. The Board of Directors of the National Bank of Commerce and Finance, New York, has resolved to pay to the order of the National Bank of Commerce and Finance, New York, the sum of \$100,000.00, for the purpose of purchasing the stock of the National Bank of Commerce and Finance, New York, and to issue new stock in lieu thereof.

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6. The Board of Directors of the National Bank of Commerce and Finance, New York, has resolved to pay to the order of the National Bank of Commerce and Finance, New York, the sum of \$100,000.00, for the purpose of purchasing the stock of the National Bank of Commerce and Finance, New York, and to issue new stock in lieu thereof.

DEPARTMENT OF THE TREASURY
 COMMISSION TO THE NATIONAL BANK OF COMMERCE AND FINANCE
 AUG 2 1890

File with Charles Frederick, No 37, Fred Rowe

Department of the Interior,
Bureau of Indian Affairs,
June 10, 1941.

In the matter of the application of Daniel Rowe for the enrollment of himself and his children as Cherokee Indians being sworn and examined by Special Agents in Charge, the testimony as follows:

Q How long has he been in the United States?
 A About five or six years.
 Q What is your occupation?
 A I am a laborer.
 Q What do you do for a living?
 A I have got some children.
 Q How many?
 A Nine.
 Q Are you married?
 A No sir.
 Q Have you ever been married?
 A No sir.
 Q What is your father's name?
 A Daniel Rowe.
 Q Is he living?
 A No sir.
 Q Is your name on the roll of 1850?
 A No sir.
 Q Is it on any of the rolls of the Cherokee Nation?
 A On the Wallace roll.
 Q You say you have never been married?
 A No, sir.
 Q And got nine children, what do you call all of these children, Rowe?
 A Yes sir.
 Q You have got five under 21 years of age, what is the first one named?
 A Lubertha.
 Q Lubertha, is that one Sophia?
 A Yes sir.
 Q The one next?
 A Yes sir.
 Q Next one Daniel?
 A Yes sir.
 Q Is he 14?
 A Yes sir.
 Q Next one, what is the next one?
 A Eva.
 Q Eva is about 12 is that?
 A Yes, sir.
 Q And what is the name of the next one, Harry?
 A Harvey, seven years old.
 Q Did you ever hear what is known as the Strip payment?
 A No sir.
 Q Where were you born?
 A Born in the Nation here.
 Q These children all born in the Nation here?
 A All but the oldest one.
 Q You were a slave?
 A Yes sir.
 Q The old you belonged to?
 A Lewis Ross.
 Q Yes, he owned you?
 A Yes, sir.
 Q Lewis Ross was a slaveholder by blood?
 A Yes sir.
 Q Were you taken out of the Nation during the war between the North and South?
 A Yes sir.
 Q Where?
 A In Kansas.
 Q How long were you in the Cherokee Nation?
 A '95.
 Q How long were you in the Cherokee Nation ever since that?
 A Yes sir.
 Q How long were you in the Nation?
 A Yes sir.
 Q How long were you in the Nation?
 A Yes sir.
 Q How long were you in the Nation?
 A Yes sir.
 Q How long were you in the Nation?
 A Yes sir.
 Q How long were you in the Nation?
 A Yes sir.

Q Where? A At the old Asylum to my old boss' place on Grand river.
 Q How far from Vinita? A I don't know.
 Q This is the old Orphan Asylum? A Yes sir.
 By Mr. Hastings:
 Q How old are you now? A Just be about 50, I don't know my age exact.
 Q What was your father's name? A Daniel Rowe.
 Q He came back with you did he? A Yes sir.
 Q Your mother came back with you? A My mother died in Kansas.
 Q At what place? A At Humboldt.
 Q You were born here then from Humboldt, Kansas? A (NO) sir, mother died when we first went up there.
 Q Was your father in the army? A Belonged to the militia.
 Q What place in Kansas did you come from when you came down here?
 A Ft. Scott.
 Q What were you doing up at Ft. Scott just after the war? A We just lived there.
 Q Did you have any children up there? A I had one.
 Q Born up there? A Yes, sir, the oldest one.
 Q Born in Ft. Scott? A Born in the neighborhood there: we lived in the country.
 Q Was you living with a man then as your husband? A No sir, I never had no husband.
 Q Who were you living with when that child was born? A With my parents.
 Q That child alive now? A Yes sir, grown man and got children.
 Q What is his name now? A Eddie.
 Q How old is Eddie? A He must be something near 36 years old I reckon; that's way to put it down.
 Q You applied for Eddie before the Kern-Clifton Commission didn't you? A Yes sir.
 Q You remember what you give his name in at that time? A No, sir, I don't.
 Q You remember whether or not you give his age in as the 28? Oh he must have been 28.
 Q Do you remember whether you gave his age in as that or not?
 A I don't remember whether I did or not.
 Q How old was Eddie when you came down here? A He was something over 2 months old.
 Q Where was George born? A He was born here.
 Q Where? A On Big Creek.
 Q You came from Kansas to Big Creek? A Yes sir.
 Q You know Albert Morris, that man sitting over there? (indicating)
 A Yes sir.
 Q He was living there on Big Creek was he when you came? A No sir, I don't remember seeing him.
 Q How far did you live from him? A His place must be about 6 miles I reckon from our place.
 Q You say he was not living there? A I never saw him.
 Q How long was it after you got there until you saw him? A I don't know how long it was.
 Q Peter Ward was living up there when you went there? A Yes sir.
 Q Did Peter Ward have a house when you came there? A Yes, sir, they built log houses.
 Q Did they have a little patch of corn? A No sir, no corn, I never seen any.
 Q Did Oliver Morris live there? A Several years after he was there we got acquainted with the Morris folks.
 Q Did you testify five years ago before the Kern-Clifton Commission that he was living there? A No, sir, I didn't; you asked me if he was living there and I told you that I got acquainted with him he was living there, but I never seen him when I first went there.
 Q Where is your son Eddie? A He is here somewhere.
 Q Was he tried by the United States Court at Ft. Smith? A Yes sir, you know all about it.

Q Convicted? A Yes, sir.

Q What was he convicted of? A I told you that once, he was accused of concealing stolen property.

Q Who did the property belong to? A I didn't know, I don't remember.

Q You said before it belonged to William Martin, didn't you? A Never said any such a thing, no sir.

Q You don't know who it belonged to? A It belonged to somebody down in there, but I don't remember who it was now, I don't know no William Martin, old Bill Martin?

Q Yes. A No sir, I didn't state that.

Q You deny the property belonged to him? A I don't deny it, it may have been, I don't remember it.

Q How far did you locate from Coffeyville? A We call it 16 mile from our house to Coffeyville.

Q Who were your neighbors when you first located there? A When we first located there we was all just fresh settled there, there was aunt Phillis Whitacre, and whole Mike and Mari Whitacre, and old Andy Daugherty, there was a good many of them.

Q Have you lived ever since right in that same place? A Yes sir, I have been no where else.

Q You come straight from Kansas there? A Yes, sir, we come straight from Kansas with my father.

Q Down there? A Yes sir.

Q How long after you got there until you saw Jim Alberty? A He come to visit us little while after we was there.

Q Are you any kin to him? A No, sir.

Q Was it in the spring of the year or the summer or what time of the year? A It was in the fall, getting cold.

Q About what month in the fall? A I don't know, it must have been along in November, or the first of December.

Q Do you know what year George was born in? A George was born in the year Chicago caught fire, '71 I believe; George aint with my children at all.

Q How much older than George is Eddie? A There is one dead between them.

Q How much difference between the ages of Eddie and George? A I don't know, there is a boy between them, dead.

Q Well now about the difference in the ages of them two? A I can't tell, because I don't know.

Q Well what is the difference between George's age and Bell's age?

A Bell is 27 last March and George ought to be 30 I reckon.

Q Well you know the difference between ~~George's~~ Bell's and George's age, why don't you know the difference between George's and Eddie's ages? A Well I say there is one between them children that's dead.

Q Well can't you tell how much older than George Eddie is? A Well I guess not, you will have to tell.

Q You raised them both didn't you? A Yes, I raised them right there on Big Creek.

Q Well now tell us how much older than George Eddie is? A Must be something like five years I guess.

Q You saw Jim Alberty first after the war? Up on Big Creek?

A Yes, sir, he come to our house.

Q How long did he stay there? A He was around in the neighborhood several days.

Q You don't know what month it was, in the fall? A Well when he come to our house it was something near Christmas time.

Q About Christmas time was it? A Yes sir, something near Christmas time.

Q You know William Noble? A Yes, I know Will Noble.

Q How far did he live from you at that time? A About eight miles.

Q You have lived there ever since have you? A Yes sir.

Q Old man Nelson Marrell living there at that time? A He lived upon Snow Creek.

Q How far from you? A About 15 miles.

Q Was he living up there when you moved up there? A I don't know, we never got down, you know.

Q What were your names at that time? A Billie Whitacre and Mart Whitacre and some other children.

Q How far did you live from Uncle Andy's place? A Something over two miles.

By Mr. Smith:

Q What are the names of your children, older than the ones you have applied for here to-day? A The oldest one is Eddie.

Q Eddie what? A We sometimes call him Eddie Watkins, they mostly go by my name, now.

Q Now the next one? A George Ward; he aunt with me though.

Q Well the next one? A Bill Tyler.

Q Well the next one? A Fred Thompson.

Q Any others? A Bessie.

Q Any others? A Lobering.

Q Well that brings you down to the ones you gave here this morning?

A Yes, sir.

By Con'r Needles:

Q Do you want these children enrolled as Howe? A Yes sir they have always went by that name.

MOSE RILEY, being sworn and examined by Con'r Needles, testified as follows:

By Mr. Smith:

Q State your name? A Mose Riley.

Q Where do you live? A Chelsea.

Q Is that your postoffice? A Yes sir.

Q How long has that been your postoffice? A Between 21 and 2 years.

Q You know this applicant, Delilah Rowe? A Yes sir.

Q How long have you known her? A Known her ever since she was a young girl.

Q Did you know her before the war? A Yes sir.

Q Was she a slave? A Yes sir, she was a slave, at Lewis Ross.

Q Was Lewis Ross a Cherokee Indian? A Yes sir.

Q Well, where did Lewis Ross live when the war commenced? A At the old asylum, where the Cherokee Orphan Asylum is now.

Q In the Cherokee Nation? A Yes sir.

Q Where was Delilah Rowe when the war commenced? A I don't know sir whether she was right there or not.

Q When did you first see her after the war closed? A It was right after the war I saw her at her uncle's, her and her father and mother, that is her step-mother.

Q Who was her uncle? A Lewis Ross.

Q Where did you see her? A On Grand River, in the Cherokee Nation.

Q When? A Right after the war.

Q You don't know what year it was in? A No sir.

Q How long after the war was it? A Not very long after the war - when the colored people all begin coming back here.

Q When did you come back yourself? A In '68.

Q What time in '68? A In the fall.

Q Did you see her before or after you yourself got back? A I saw her after.

Q How long after? A It must have been a couple of months, anyhow, somewhere along about that time in the winter.

Q Can you state what time in the fall of '68 you got back, how long before Christmas? A I went up Cherokee Nation - we come down directly after laying by born, and got back there as soon as we could get back, wasn't there very long.

Q Was it cold weather or was it warm weather? A No sir, it wasn't cold weather.

Q You think it was about how long you say before you saw her after you got back? A I don't think it was over two months, I don't think it was.

Q Do you know where she is living now? A Yes sir.

Q Where? A She is living about three quarters of a mile west of Viner, Indian Territory.

Q How long has she been living there? A Oh she has been living there for years, I don't know sir, ever since she was a young woman.

By Mr. Hastings:

Q Now, you have already applied for enrollment yourself haven't you? A Yes sir.

Q You have been put upon a doubtful card? A I suppose so, yes sir.

Q Your father's name was Wiley McHair? A Yes sir.

Q Your father came down to the Cherokee Nation before you didn't he? A Yes sir.

Q He made a crop on the old McHair place? A Yes sir.

Q In the fall after he made a crop you people came down, is that the way of it? A Yes sir, we come down in the fall.

Q Now, have you ever had any occasion to specially remember for 35 years just meeting this woman, or any other woman? A No sir, only meeting the colored people after we come back.

Q You say this woman sometime after you came back? A Yes sir.

Q That was over on Grand river? A Yes sir.

Q Now how far is Grand river from Big Creek? A I don't know, sir, it must be maybe 25 or 40 miles, somewhere along there, I don't know just how far.

Q How many crops, how after you came back yourself, did your family make on the McHair place? A Two.

Q You made two, and then you moved to Pryor Creek, did you? A Yes sir.

Q What time in the year did you move to Pryor Creek? A Let me correct that, father made one and we made one, two in all is what we made.

Q You mean by that then that after you returned of course I understand your father had made one, but after you returned, you still made one crop before you moved to Pryor Creek? A Yes sir.

Q Well then the next year after you made that crop, that following fall you moved to Pryor Creek, is that the way of it; the fall after you made your crop yourself? A We commenced moving in the winter and we never finished moving until the spring after that.

Q Who were your neighbors ever on Pryor Creek? A There wasn't no neighbors there when we went there.

Q Well you moved to the place you lived sometime afterwards?

A Martin Thompson, he finally lived there on what was called the old Cuddy place years before the war.

Q You wasn't called upon to testify for this woman 5 years ago?

A No sir.

Q How long after you saw her on Grand river was it until you saw her up on Big Creek? A I saw her next year after we came from Saline, out in Coowbecoowee.

Q You are not willing to testify just what year you saw her down on Grand river? A No sir.

Q You are not positive as to the exact number of months after you returned until you saw her down there? A No sir, I couldn't tell exactly.

Q Good many people were coming back at about that time? A Oh yes sir. They were coming occasionally.

Q You had no more reason to remember this woman than any other colored person that was coming back to the Nation did you? A No more than I went up there frequently; I lived right there.

Q How far was the McHair place from where Lewis Rowe lived? A It was I expect 12 or 14 miles, but there was no colored people lived down in that part and we went up in that neighborhood to church every Sunday.

By Com'r Needles:

Q Does Big Creek run into Grand river? A No sir.
Q Big Creek runs into the Verdigris? A Yes sir.
Q You stated it was 35 or 40 miles from Big Creek to Grand river?
A Yes sir, it is.
Q Well to what points - well let it go.

JIM ALBERTY, being sworn by Com'r Needles, testified:

By Mr. Smith:

Q State your name? A Jim Alberty.
Q How old are you? A Near 70 years old.
Q What is your postoffice? A Chouteau.
Q How long have you lived in the Cherokee Nation? A 70 years.
Q Do you know this applicant, Delilah Rowe? A Yes sir.
Q How long have you known her? A I have knowed her from a small child.
Q Was she a slave before the war? A She was born a slave.
Q Whose slave was she? A Lewis Rowe.
Q Was Lewis Rowe a Cherokee Indian? A Yes sir.
Q Where did he live before the war? A Over here where this Orphan Asylum is.
Q In what nation? A On Grand river. In the Cherokee Nation.
Q When did you first see this applicant, Delilah Rowe, after the war closed? A I saw her right closeto her old home, come there and visited her daddy and her with him.
Q Who was with her? A Her daddy, Daniel Rowe.
Q Where was that you saw her? A In the Cherokee Nation, on Grand river.
Q When was it? A It was in '66.
Q You know about what time of the year? A Yes sir.
Q What time? A It was in the fall, as well as I can recollect.
By Mr. Hastings:
Q What time in the fall was that Jim? A I don't know exactly, what time it was, it was in the fall of the year though.
Q You don't remember the month? A No sir, I don't know the month.
Q You just happened to run across her father coming up there?
Q No sir, I was hunting a horse, some Indian stole from Reuben Nave here.
Q Where was he at that time? A He was camping here by his old master's home.
Q There on Grand river? A Yes sir.
Q Down close to the Orphan Asylum? A Right there.
Q Right at the Orphan Asylum? A Yes sir.
Q Was that orphan school there? A No sir, nothing there.
Q Was he in a tent? A Yes sir.
Q Did you see this woman Delilah there then? A Saw a girl there, she was a girl then.
Q How long did you stop and talk to them? A I stopped and talked to them a long time.
Q Stay all night there? A No sir.
Q Stopped there an hour or two? A Yes, sir, and eat.
Q Did you notice hers there particularly? A Yes sir.
Q She have any children there then? A I think she had one child; there was a child there and I knowed Daniel's wife was too old to have one and I took it to be hers.
Q Was it a boy or a girl? A It was a girl, I think, it was so little, it had a dress on, I don't know what it was exactly.
Q Old enough to talk? A No sir.
Q Well? A It could stand up by a chair if it had it, it could

stand alone.

Q You remember that do you? A Yes sir.

Q You don't know how long Dan had been down there either? A No sir.

Q That was in the fall? A That was in the fall, to the best of my knowledge.

Q What year was it we took the census before, the Kerr-Clifton?

A I don't know what year.

Q What year was it that Wallace took the census? A I can't tell you that, because I do not know.

Q What year is that? A Why you keep asking me something that I don't know, I don't know the years only if somebody tells me.

Q Who told you about this other year? A '56.

Q Yes? A Lord a Mercy, all the Indians would tell me that.

Q What year was it you drew this last money? A That's the same question: I don't know it, I don't know.

Q That was a pretty important year to you? A Yes sir, but I don't keep no count of it, all I was after was to get the money, I don't know anything about the year.

Q When did you first see this woman? A I saw her that same fall here on Big Creek.

Q She living in a house up there? A Yes sir, little pole house.

Q That was before Christmas was it? A I don't know how exactly; but it was the same fall.

Q Did she have a husband there then? A No sir, she didn't have no husband, and I don't suppose ever had.

Q But you saw her up there that fall? A Yes sir.

Q How far was she living from Peter Ward at that time? A I guess it was 2 miles.

Q You knew Peter Ward then? A Yes sir.

Q He was living up there was he? A Yes sir, he come there before I built my house up there.

Q How long before the war was it you saw this woman? A Before the war?

Q Yes? A This wasn't no woman before the war.

Q Well this girl, she is a woman now? A I can't tell, I never noticed children.

Q How far do you live from her? A I lived about 10 miles.

Q From here? A From Lewis Ross.

Q Do you remember positively having seen her before the war?

A Yes sir, when her when she was a child.

Q You don't know how many years before the war? A No sir.

Q Was it a number of years? A No, I don't think it was a great number.

Q About how long do you suppose it was before the war? A I don't suppose it was more than a year before the war when I first saw her a child.

Q Did you enlist in the army? A Yes sir.

Q Where? A At Little Rock.

Q Arkansas? A Yes sir.

Q Who did you belong to when the war come on? A John Alberty.

Q Are you the same fellow that Mr. Lindsay testified was sold out to a white man near Little Rock - he testified in your case?

A He is the man that testified that I was sold out down there.

Q Down near Battery Rock? A Yes sir.

Q You enlisted in the army at Little Rock? A Yes sir.

Mr. [Name] I object to that, because Mr. Lindsay didn't testify he was sold out, he testified to what John Alberty told him.

1880 United States roll of citizens of the Cherokee Nation examined by [Name] and [Name] returned that [Name] was a citizen of the Cherokee Nation.

Examined by [Name] and [Name] returned that [Name] was a citizen of the Cherokee Nation.

COMM. 2116
DIVISION
AUG 25 1901

Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 133 name, William Howe, Coowescoowee District.
page 134 name, William Howe, Coowescoowee District.
Wallace roll of citizens of the Cherokee Nation examined for Sophia, name not found. Also examined for Daniel and Eva and names not found.

APPLICANT re-called, and further examined, by Com'r Needles:

- Q Did Sophia go by any other name besides Howe? A No sir.
- Q Is Sophia married? A Yes sir, she is married, she got married last Christmas.
- Q Well she must apply for herself if she is married: is Lubertha married? A No sir.
- Q Did you draw what is known as Strip money or the Kern-Clifton money, for these children? A No sir.
- Q Is Lubertha alive at this time and living with you? A Yes sir.
- Q Is Daniel living with you? A Yes sir.
- Q Eva? A Yes sir.
- Q Harvey? A Yes sir.
- Q Sophia, I understand then is married? A Yes sir.
- Q Who to? A William Whitmore, and Harrie is married.
- Q These children all born in the Cherokee Nation? A All but the oldest one.

Com'r Needles: Delilah Howe applies for the enrollment of herself: she cannot be identified upon the authenticated roll of 1880 or the census roll of 1898 or the Kern-Clifton roll; she is identified upon the Wallace roll; she applies for the enrollment of four children, to-wit; Lubertha, Daniel, Eva, and Harvey; the name of Lubertha is found upon the Wallace roll, and she is duly identified; the names of Daniel, Eva and Harvey are not found upon any roll of the rolls of the Cherokee Nation; the applicant avers that she was a slave, - as to her citizenship reference is made to the testimony; she makes satisfactory proof as to residence, consequently, Delilah Howe, her child Lubertha Howe, and her three children, Daniel, Eva and Harvey, will be listed for enrollment as a Cherokee Freedman on a doubtful card; it will be necessary for her to make satisfactory proof of birth of Daniel, Eva and Harvey, their names not appearing upon any of the rolls of the Cherokee Nation now in the possession of this Commission; the applicant will be notified by mail as to the action of the Commission in the premises.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this June 25, 1901.
Signed, T. B. Needles, Commissioner.

Bruce S. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and correct copy from the original.

Sworn to and subscribed before me this 25th day of June, 1901.
Bruce S. Jones
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JUL 16 1901

ACTING CHAIRMAN

[Handwritten signature]

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 24, 1901.

In the matter of the application of Fred Rowe for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A Fred Rowe.
Q How old are you? A 23.
Q What is your post-office address? A Wimer.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A My mother.
Q Where is your mother? A Right back there. (Pointing)
Q Let your mother come and attend to her own business; are you on the 1880 roll? A I don't know.
Q Has your mother been enrolled? A Yes sir.
Q You don't care about enrolling her again then do you, you just want to enroll yourself? A Yes sir.
Q What is your father's name? A Andrew Thompson.
Q Are you married? A No sir.
Q Is your father living? A Yes sir.
Q What is your mother's name? A Lila Rowe.
Q Is she living? A Yes sir.
Q Is your name on any of the rolls of the Cherokee nation? A On the Wallace roll.
Q You never drew Kern-Clifton money? A No sir.

1880 authenticated roll of citizens of the Cherokee nation examined and applicant not found;
Kern-Clifton pay roll of citizens of the Cherokee nation examined, and applicant not found thereon;
Wallace roll of citizens of the Cherokee nation examined and applicant identified on
page 138 #2880 Fred Rowe, Cooweescoowee District.

- Q You claim citizenship through your mother? A Yes sir.
Q Where were you born? A On Big Creek,
Q Cherokee nation? A Yes sir.
Q Have you always lived in the Cherokee nation? A Yes sir.
Q Never lived outside of it? A No sir.
BY MR. HASTINGS, Cherokee Rep'ye;
Q How old are you? A 23.

Com'r Needles: Fred Rowe applies for the enrollment of himself; he cannot be identified upon the authenticated roll of 1880 or the census roll of 1896 or the Kern-Clifton roll; he is identified upon the Wallace roll; he avers that he is only a child of Andrew Thompson and Lila Rowe; he claims his citizenship through his mother, Lila, who was listed for enrollment by this Commission as a Cherokee Freedman on doubtful card 746, and the testimony taken in the case of Lila Rowe will be made a part of the record in the case of at bar, and a copy thereof filed herewith, and said Fred Rowe having made satisfactory proof as to residence, will be listed for enrollment as a Cherokee Freedman on a doubtful card, awaiting further consideration of the Commission; he will be notified by mail of the action of the Commission.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the

Fred Rowe 2

testimony and proceedings in this case and that the foregoing is a true and complete transcript of the stenographic notes thereof.

M. J. Jones

Subscribed and sworn to before me this July 25th, 1901.

[Handwritten signature]

Comptroller.

C 30831

BY THE COURT: JOHN A. ...

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office at Holyoke, Massachusetts, this ... day of ... 19...

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
HOLYOKE, MASSACHUSETTS

[Handwritten signature]

HOLYOKE

File with Cherokee Freedmen D-837, Fred Rowe.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 14, 1901.

In the matter of the application of Delilah Rowe et al. for enrollment as Cherokee Freedman.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

Mallette & Smith, attorneys for applicants;
J. S. Davenport, of counsel for Cherokee Nation.

ELIZABETH JANE MORRIS, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A Elizabeth Jane Morris.

Q How did you come here? A I was 60 the 9th of last March.

Q Where do you live? A I live in Lynn County, Stanton Township.

Q What is your postoffice? A Mapleton.

Q How long have you lived in that section of country there in Kansas, Mrs. Morris? A I have lived there from 1862 up to the present time and living there yet when I am at home.

Q Since you have been living there, did you get acquainted with a colored family by the name of Rowe? A Yes, sir, they were my near neighbors when we were there.

Q Did you know one by the name of Delilah Rowe? A Yes, sir.

Q Did you know her father? A Yes, sir.

Q What was his name? A Daniel Rowe.

Q When did you get acquainted with this family? A When they first came there, that was about the close of the war.

Q How far did they live from you? A About half a mile.

Q Well, how long did they continue to live there near you? A They lived there until they moved to the Territory here.

Q About when was that, if you know, by any circumstances that could have called that to your attention? A The same year that I say, in '67, that Mr. Davis left me.

Q Do you know whether or not they came before or after Jack Davis left that country? A They came before, or at least I got acquainted with them before.

Q Did they come first or Jack David come first? A They came first, Mr. Rowe came first, located.

Q Why do you say he came first, was there any circumstances?

A Well he moved there and lived there and I near neighbor with him and I got well acquainted with them and therefore I say he came first.

Q Well, did you ever hear of any correspondence between them any way that makes you fix the time or ever know them coming, between the Rowe family and the Davis family? A After Mr. Davis left there they corresponded together.

Q What place are you speaking about that he left? A I thought I told you in Mr. Morris' place, I didn't know of his living on any other place after I got acquainted with him.

Mr. Smith: How long did you say this Delilah Rowe lived there?

A She lived there all the time her father did, with him.

Q What was her father's name? A Daniel Rowe.

Q Well, how long did he live there? A He lived there at the close of the war in '60 as near as I can remember.

Q How long did he stay? A Stayed until he moved to the Territory.

Q Well, how long was that? A That was either in '67, in '67 if it is correct about Mr. Davis, he left the same year as near as I can

no moved in the winter I recollect well, when Mr. Rowe moved, he moved in the winter, I am well aware of that, but I can't tell you exactly whether Mr. Davis moved in the fall or the spring, but Mr. Rowe, he moved in the winter, I have got that affirmed.

Q What time did he come there, in what season of the year was it?

A It was in the spring when Mr. Rowe moved there.

Q Had the war closed? A Well, people was returning home, I guess the war was pretty near closed.

Q When did the war close? A In '65 so it is said.

Q What time? A I can't tell you about what time, they said it closed in '65, but Mr. Rowe, I am satisfied, moved there in the spring.

Q Didn't you tell me a while ago that the war closed in the fall of '65? A That is what I understood, so said.

Q When was it that Mr. Rowe came there, in the fall or spring?

A He came there in the spring, I told you a while ago about the close of the war, there isn't much difference in the fall and spring.

Q Do you know which time of the year he came? A Came along about early planting time.

Q In the spring? A Yes, sir, that is how I know he came in the spring.

Q And the war closed the following fall? A So they said it closed in '65.

Q Well, was it the following fall? A Well I can't tell you, I haven't memory enough, they said it closed in the fall.

Q Well how did you get down here to testify in this case? A Didn't I tell you a gentleman come up there for me, wasn't I subpoenaed to come here and testify, when he came he brought Hamilton as a witness to my testimony, I didn't know at the time who he was but I was told since that he gave his name as a United States deputy.

Q You had no subpoena from the Dawes Commission to come here and testify?

Mr. Buvendort: I object to that mode of examination: if the witness is here, she has got a right to come whether she is subpoenaed or not.

Commissioner: It is a circumstance as to the whole matter, but it does not make any difference.

Q What is your answer to that; you didn't have any subpoena from the Dawes Commission to come here and testify? A I don't know anything more about the commission than anything in the world; he came and said he was doing government business.

Q How do you know this is in '67, how are you fixing it this time?

A From the age of my child, that is how I fix it.

Q How many children did you ever have? A I have had five in my life and only two are living.

Q What was the date that the child that you fix this date by was born on? A June 24.

Q What year? A 1866.

Q When was the next one born? A It was October 25.

Q What year? A I forget the year now, it is recorded in my bible, it was October 25, I forget the year.

Q How much older was the first child than the second one? A My 7; 7 years older; let's see, I can count that up, my oldest son was born June 24, I was telling you, and the next one I forget the date of the year, but it was October 25, but I forget the date of the year now, but my oldest, I have that, they are both on record right now, but I have forgot the next boy, the date of the year, but I have the day of the month.

Q Well, was it the next year after June 24, '67? A After this one, no, sir.

Q The next one, not the youngest, the next one? A The one that was, it was 2 years between the one that died and this one I was telling you that I have the date of, October 25, there was with a difference in their ages.

Q How much? A I can't tell you exactly but I can recollect the date of the month.

Q Can you tell the year when any child was born except the one you have just told me about? A Yes, sir, my oldest girl was born April 28.

Q That year? A That was in '66.

Q April '65? A No, it was April, it wasn't '65, there is two years between my girl and my boy.

Q Well then that year was she born in? A Must have been in '64, wouldn't that make two years.

Q You know, don't you, what was it? A I know there is two years and some weeks.

Q Well, what year was it now? A Must have been in '64 as I told you, must have been, there is two years between the two.

Q Do you swear it was? A I told you about Khamix as near the truth as I can tell you; if he was born in '66 and he is two years younger than the girl, that would make her born in '64.

Q Now when was your child next to the boy born, what date, next after the boy that was born in '68? A I told you I can't remember the date of the year, I can remember the date of the month, I forget the date of the year, it is in the bible.

Q Outside of these two you have been talking about, you can't give the dates when any one of the other three children were born, can you? A I can remember the dates of three of them.

Q Well, what about the others, do you know what years they were born in? A My oldest child was born the 28th of August.

Q What year? A I will tell you in a minute, if you wont hurry me; '57, the birth of my oldest child, it is dead, she was born August 28 of 1857, understand.

Q How many years was that before the war? A Four years isn't it, close onto.

Q Now when did you first know this woman with reference to the time your child was born? A Who, Delilah?

Q Yes; when did you first know her with reference to the time the child was born, the one that was born in '66? A I got acquainted with her of course when her father first moved to the country, she was a little girl when her father first moved and settled where he lived.

Q Well, when did you say that was? A I told you it was right about the close of the war.

Q About the close of the war; you don't know whether it was before or after? A Must have been after, because the colored people was liberated.

Q You don't know how long though? A They come there in the spring as I told you right in planting time because they came to our house to speak for some potatoes to plant, that was the first visit he made us after he moved up there.

Q How far did he live from you? A Not more than a mile, right in sight.

Q How long did he live on that place? A Lived there until he moved to the Territory.

Q How long was that? A Well, as I told you, they came the year, or the year after, that Mr. Davis came.

Q This woman was just a child then? A When they first moved there she was a little girl.

Q Well, was she a little girl when they moved away? A No, she was a mother, she got to be a woman because her child was born there because I am the one that took care of her.

Q You say Delilah was a little girl when she came there? A Well, a small girl.

Q And she moved away? A She come away with her father.

Q When was that, in '67? A I think it was in '67.

Q And she was a little girl when she went there? A When her father moved on the place there.

Q That was the spring after the war closed? A When they moved

there, yes.

Q And moved away in '67, and she was a little girl when she came there: is that right? A She was a little girl when she came there.

Q Now what was it you said about being a young woman when she went away? A She was a mother, she must have been a woman, she had that child before she moved away.

Q She did? A Yes, but that child living right up there where they lived all the time they were up there.

Q About how many years old do you think she was when they came there about the time she was closed? A Well, she must have been 10, 11, somewhere along there.

Q You think she was as much as 10? A I can't say, it is just guess work, or maybe she might have been more than that.

Q How old did she appear to be when she had this child, was she a young woman? A She was old enough to be a mother, I can't tell you anything about that.

Q Did she look like she was a fully developed and matured woman?

A She was large enough in size but I don't know what her age was.

Mr. Davenport: She was large enough to give birth to and raise a child? A Well, she had it, because I was with her when she child was born and took care of it.

Commissioner: What was Delilah Rowe's father's name? A Daniel Rowe.

Q You say she lived in Kansas with him in the winter of '67? A No, it was '67 when they left.

Q Maybe it was the winter of '66 then? A No, it wasn't '66 because Mr. Davis hadn't moved in '66 and he didn't go down till after Mr. Davis moved down.

Q You said that he came down before Mr. Davis, one time; you said something about Mr. Davis coming down, you said that he came down to the Nation to get his wife, didn't you say something about that; you said Mr. Rowe, the father of Delilah moved down before Davis did, and that he moved down in the winter of '67? A Davis moved first, didn't I tell you; you have got it wrong; didn't I tell you Mr. Davis moved down and wrote to Mr. Rowe a letter?

Q You say now that David moved before Rowe, do you? A Of course he did.

Q How long before? A Well, I can't tell you how long.

Q Well, didn't you say in your examination that Davis moved down you think in the winter of '67? A I said that is what I thought, I wouldn't be positive.

Q Sometime during the winter? A Yes, the fall.

Q You don't know whether it was the first part of the last part?

A No, I can't say for certain.

Q Couldn't it have been the last part of the winter of '66; you know the winter is in '66 and '67? A That is what I know, but didn't I tell you I know by my child was born in '66 and didn't I tell you the child could walk and didn't I come down to tell Mr. Davis good-bye, the child walked part of the way and that was in '67, that is what I told you in plain words, that Mr. Davis was there in '66 and '67.

Q What time was the child born? A The child was born seems to me the latter part of the winter or spring.

Q Latter part of the winter or spring of what: '66? A No, the year after he moved down.

Q I am talking about this child that you say could walk? A That is my child.

Q That is what I am talking about? A Didn't I tell you all the time he was born in '66.

Q What month? A The 24th of June, 1866.

Q How old does a child have to be up there before it is old enough to walk? A They generally walk sometime inside of a year, I would give a child a year, I told you in plain words he could walk on June 24, 1866, and if he would walk, would take it through June '67, I told you that Mr. Davis moved down first and wrote to Mr. Rowe

a letter when he was living there and he was brought the letter to
my attention to read it. He couldn't read with the ink so I read it.

Q That is the first you have seen since then? A Yes, I have
been under the impression that he was dead since the day of it.
I don't know where he is now. I don't know what the letter was
about.

Mr. Smith: I would like to have a copy of the letter being read
by your witness in the case of D-451, D-452, D-453. How do you
take it with you?

Commissioner: I have a copy of it. Yes, my husband is dead.
Q How long has he been dead? A Yes, sir.
Q Always lived in that place? A Been living there since '82.
Q On the same place you are living now? A Yes, sir.


Mr. Smith: I would like to have a copy of this testimony
filed in the Jack Davis case.

Commissioner: This testimony will be made part of the
cases of Freedman D-749, D-750, D-752, D-837, and at the re-
quest of the attorney for the applicant, it will be also filed
in the case of Jackson Davis, D-451.

Bruce G. Jones, being duly sworn, says that as stenographer to
the Commission to the Five Civilized Tribes he correctly recorded the
proceedings and testimony in the above case, and the foregoing is a
true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 29th of October, 1901.



Commissioner.

RECORDED
INDEXED

385

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Delilah Rowe, et al., as Cherokee Freedmen, consolidating the applications of

Delilah Rowe, et al.,.....	Cherokee Freedmen D	748
Hattie Thornton,.....	"	D 749
Eddie Rowe,.....	"	D 750
Fred Rowe,.....	"	D 857
Belle Rowe,.....	"	D 1118

- D E C I S I O N -

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Delilah Rowe for herself and her minor children, Louberttha, Daniel, Eva and Harvey Rowe; by Hattie Thornton for herself; by Eddie Rowe for himself; by Fred Rowe for himself; and by Belle Rowe for herself.

The evidence shows that the principal applicant, Delilah Rowe, was the slave of a Cherokee citizen at the commencement of the rebellion; that she left the Cherokee Nation and went to Kansas during the rebellion. She testifies that upon her return to the said Nation after the rebellion she found Peter Ward residing there. It has been found in the case of Peter Ward, et al., Cherokee Freedmen D 815, that he (Peter Ward) did not return to and establish his residence in the Cherokee Nation until after the time specified, in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitacre, trustee, etc., vs. The Cherokee Nation, et al., for the return of Freedmen to said Nation. This circumstance, taken in connection with the other evidence in the cases now under consideration, is deemed to establish the fact that the said Delilah Rowe did not return to the Cherokee Nation within the time specified in said decree.

It further appears that all the other applicants herein were born since the commencement of the rebellion; and that they are the descendants of Delilah Rowe claiming right to enrollment through her as such descendants. None of the names of the following persons, who are shown by the evidence or by other records of the Commission to be the fathers of certain of the applicants herein, are found on the 1880 authenticated Cherokee roll, to-wit:

Andrew Thompson, father of Louberttha, Daniel and Fred Rowe; Ben Ward, father of Eva and Harvey Rowe; Ed Brown, father of Hattie Thornton; Beliver Vackins, father of Eddie Rowe; and John Tyler, father of Belle Rowe; and an examination of the records of the Commission shows that none of said persons have ever made application

to this Commission for enrollment as Cherokee Freedmen, and in the absence of any evidence showing that they, or either of them, have any rights to enrollment as Cherokee Freedmen, it is considered that they possessed no such rights. Hence, all the applicants herein claiming through Hallelah Howe have no other rights to enrollment except as her descendants.

Some of the names of the applicants herein are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the application for the enrollment of Hallelah Howe, Leubertus Howe, Daniel Howe, Eva Howe, Harvey Howe, Mattie Thornton, Edie Howe, Fred Howe and Belle Howe as Cherokee Freedmen should be denied, under the provisions of section 21 of the Act of Congress, approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

James Dixby

Chairman.

(SIGNED)

T. B. Neasles

Commissioner.

(SIGNED)

C. T. Brackinridge

Commissioner.

(SIGNED)

W. E. Stanley

Commissioner.

Muskogee, Indian Territory,

this MAR 11 1904

COPY.

Cherokee Freedmen
D-837.

Muskogee, Indian Territory, March 19, 1904.

Fred Rowe,

Wimer, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a Cherokee freedman, together with a copy of the Commission's decision, dated March 11, 1904, rejecting, among others, your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

H. P. ...

Register.

Commissioner in Charge.

Enc. D-28.

COPY.

Cherokee Freedmen
D-748 et al.

Muskogee, Indian Territory, March 19, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Delilah Rowe et al., including the Commission's decision, dated March 11, 1904, rejecting the applications for the enrollment of Delilah, Loubbertha, Daniel, Eva, Harvey, Eddie, Fred and Belle Rowe, and Hattie Thornton as Cherokee freedmen.

Respectfully,

C. F. Frothingham

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-3E.

COPY.

Cherokee Freedmen
D-748 et al.

Muskogee, Indian Territory, March 18, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, in the consolidated case of Delilah Rowe et al., rejecting the applications for the enrollment of Delilah, Leubertha, Daniel, Eva, Harvey, Eddie, Fred, and Belle Rowe, and Fattie Thornton, as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

C. D. Brantley

Enc. 7-31c

Commissioner in Charge.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

Refer in reply to OFFICE OF INDIAN AFFAIRS,
the following:

WASHINGTON, September 24, 1904.

Land.

19432-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated March 19, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Delilah Rowe for herself and her minor children, Leubertha, Daniel, Eva and Harvey Rowe; by Hattie Thornton for herself; by Eddie Rowe for himself; by Fred Rowe for himself; and by Belle Rowe for herself.

March 11, 1904, the Commission decided adversely to all the applicants.

The record shows that the principal applicant, Delilah Rowe was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she left the Cherokee Nation during the war and went to Kansas. She testifies that when she returned to the Cherokee Nation she found one Peter Ward residing therein. The Department has approved the rejection of the claim of Peter Ward (C.F.D. 613) on the ground that he did not return to the Cherokee Nation prior to February 11, 1867.

It further appears that all of the other applicants were

born since the war and that they are the descendants of the principal applicant, Delilah Howe. The names of Delilah Howe, Hattie Thornton, Eddie, Fred, Belle and Leuthertha Howe are identified upon the Wallace roll, but upon no other. The other applicants are not found on any roll pertaining to the Cherokee Nation.

The fathers of the descendants of the principal applicant have never applied for enrollment as Cherokee freedmen.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tenner

Acting Commissioner.

H.M.H.
V.

(COPY)

W C F
I P

D O 46231-1904 DEPARTMENT OF THE INTERIOR, WIA
I. T. D. 7722-1904. WASHINGTON, October 18, 1904.
LNS.

Commission to the Five Civilized Tribes,
Muskegee, Indian Territory.

Gentlemen:

March 19, 1904, you transmitted the record in the consolidated Cherokee freedman case of Delilah Rowe, et al (F.D-748 et al), including your decision of March 11, 1904, rejecting the applications for the enrollment of Delilah, Leubertha, Daniel, Eva, Harvey, Eddie, Fred and Belle Rowe, and Hattie Thornton, as Cherokee freedmen.

Reporting in the matter September 24, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary

1 inclosure.

COPY

Cherokee Freedmen
Trust

Muskogee, Indian Territory, October 26, 1904.

Fred Rowe,

Wimer, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting, among others, the application for your enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 18, 1904.

Respectfully,

Jayne Dixby,
Chairman.

Cherokee Freedmen
T-748 et al

Muskogee, Indian Territory, October 28, 1904.

Bell, Hastings and Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting the applications for the enrollment of Delilah, Loubertha, Daniel, Mrs. Harvey, Eddie, Fred and Belle Howe, and Hattie Thornton, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 18, 1904.

Respectfully,

Wm. T. Bixby,
Chairman.

Cherokee freedman

R-752

Muskogee, Indian Territory, May 28, 1906.

Fred Row,

Wimer, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed by your attorneys September 7, 1905, for a review in your Cherokee freedman enrollment case, was dismissed by the Department May 2, 1906.

Respectfully,

Commissioner.

MMP

Waskagee, Indian Territory, May 26, 1906.

Blus & Bulger,

Attorneys for Eliza A. Arnold, et al.,
Vinita, Indian Territory.

Gentlemen:

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions filed by you September 7, 1905, for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

MCP

Muskogee, Indian Territory, May 29, 1906.

Bell, Hastings & Davenport,

Attorneys for Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:-

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions by Blue & Bulger, filed September 7, 1905, for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

LMC
 Incl. C-2

Wahogee, Indian Territory, February 9, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a motion filed June 25, 1906, by Starr & Patton, Vinita, Indian Territory, for a rehearing of the consolidated Cherokee freedmen cases of Dalilah News et al. Said motion is supported by the affidavits of Eddie News, Mariah French, Stephen Little and George Walton. There is also enclosed a motion filed August 3, 1906, by attorneys for applicants that the affidavits of Isaac Shields and Jack Davis be filed in support of their said motion. The affidavit of the principal applicant, Dalilah News, received from said attorneys August 6, 1906, is also enclosed, together with affidavit of Jack Vann, received October 12, 1906, with a letter from said attorneys dated October 10, 1906. In their letter of that date attorneys for applicants asked to be given twenty days within which to submit additional

Secretary-6

affidavits in the case, "in view of the Departmental decision in the Cherokee Freedmen case of Jennie Martin et al. with reference to affidavits in support of motions for rehearing." Said attorneys have submitted no additional affidavits, and on December 21, 1906, Mr. J. C. Starr, a member of the firm of attorneys for applicants, verbally informed the Commissioner that they had submitted all papers they desired to submit in connection with their various motions filed under the Act of April 26, 1906, for a rehearing or review of Cherokee enrollment cases.

The attorney for the Cherokee Nation protests against the granting of said motion and his protest filed July 26, 1906, is also enclosed.

The decision of the Commission to the Five Civilized Tribes dated March 11, 1904, rejecting the applications for the enrollment of the applicants embraced in the Cherokee Freedmen consolidated cases of Delilah Howe et al., was affirmed by the department October 18, 1904 (I.T.D. 7722-1904).

A careful examination of this motion, in connection with the original record in the case, convinces the Commissioner that there is no merit in the same.

Secretary-3

When Delilah Howe first testified before the Commission she swore that when she returned to the Cherokee Nation Peter Ward was residing therein. If this is correct the applicants in this case, who claim only through Delilah Howe as her descendants, are not entitled to enrollment as Cherokee freedmen, for the reason it is conclusively shown by the records of this office that Peter Ward did not return to the Cherokee Nation and establish a residence therein prior to February 11, 1867. Reference is made to this office's report of August 16, 1906, submitting a motion filed June 28, 1906, by Starr & Patten, Vinita, Indian Territory, for a rehearing of the consolidated Cherokee freedman case of Peter Hudson et al., including the case of Peter Ward, and enclosing a copy of a letter of said attorneys, dated August 4, 1906, wherein it is stated that after further investigating said case they find that they would be unable to add any strength to the applicant's side of the case if a rehearing was granted, and requesting that their motion for a rehearing of said case be dismissed.

Secretary-4

It is, therefore, respectfully recommended that
the notice herewith transmitted be denied.

Respectfully,

Through the Commissioner
of Indian Affairs.

Encl. 2-05

Commissioner

COPY
DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

Land
15081-1907

March 2, 1907.

The Honorable,
The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes dated February 9, 1907, transmitting a motion for rehearing in the consolidated Cherokee freedman case of Delilah Rowe, et al. The motion has been examined. It contains no merit and it is recommended that it be denied. In connection with this case attention is invited to the fact that the record is not enclosed. It has been mislaid and the Office has been unable to find it.

Very respectfully,

C. F. Larrabee,

GAW-GH.

Acting Commissioner.

D.C.12996

Y.P.

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

I.T.D.7762-1907.

March 4, 1907.

ERS Direct.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The motion for rehearing of the consolidated Cherokee freedman cases of Delilah Rowe et al., received with your letter of February 9, 1907, and Indian Office letter of March 2, 1907 (Land 15081), copy inclosed, is hereby denied, in accordance with your recommendation and that of the Indian Office, and in view of the limited time allowed by the act of April 26, 1906 (34 Stat., 137), for completing the rolls of citizenship of the Five Civilized Tribes.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

(Signed) E. A. Hitchcock

1 inc. and 2 to Ind. Of.

Secretary.

WCF 3-4-07

Muskogee, Indian Territory, April 1, 1907.

Starr & Patten,

Attorneys for Delilah Rowe, et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the motion filed by you for a rehearing in the Cherokee freedman enrollment case of Delilah Rowe, et al., was denied by the Secretary of the Interior March 4, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. P-4-5
MMP

Acting Commissioner.

Muskogee, Indian Territory, April 1, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed for a rehearing in the Cherokee freedman enrollment case of Delilah Rowe, et al., was denied by the Secretary of the Interior March 4, 1907.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. P-4-6
HMP

Acting Commissioner.

Cherokee freed-
man R 752

Muskogee, Indian Territory, April 2, 1907.

Fred Rowe,
Wimer, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed
by your attorneys, Starr & Patten, for a rehearing in the
Cherokee freedman enrollment case of yourself, was denied
by the Secretary of the Interior March 4, 1907.

Respectfully,

MMP

Acting Commissioner.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT

SS

In the matter of the application of Ed
Rows
for enrollment as a Cherokee Freedman.

No. F. D. 837

Henry Pack, of lawful age, being duly sworn on
oath states that on the 21st day of September, A. D., 1901, he registered
to Ed Rows whose postoffice is Wimer

Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto
attaches the receipt of the Postmaster at Fort Gibson Indian Territory;
and that on the 28th day of September, 1901, he received the return
card which is hereto attached, signed by the said Ed Rows, showing
that he had received said notice.

Subscribed and sworn to before me on this the 28th day of Sept, A. D. 1901.

J. C. Starr
Notary Public.

F10837

D

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FILED
OCT 2 1901

[Signature]
ACTING CHAIRMAN

100-10000

NOV 1 1901

NOTICE!

IN THE MATTER OF the application of Ed Rowe
for enrollment as Cherokee Freedmen:
Case No. F. D. 837
To Ed Rowe Winer I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 24th 1901 at 8 o'clock A M or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901


L B Bell

W. W. Hastings
J. J. Davenport
Attorneys for the Cherokee Nation.

03

38037

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 24 1901


ACTING CHIEF

CHEROKEE FREEDMEN.

Date June 24, 1901
Post Office Wimer St.
District 600

1. Name Fred Rowe

Age 23

Owner's name

Citizenship

Year Wallace 139 No 2880 District 600

Parents:

Father Andrew Thompson Citizenship

Mother Lilah Rowe living Citizenship

2. Name of wife

Age

Owner's name

Citizenship

Year Page No. District

Parents:

Father ~~Robert~~ Citizenship

Mother ~~Robert~~ Citizenship

Names of Children:

- 3. Year Page No. Dist.
- 4. Year Page No. Dist.
- 5. Year Page No. Dist.
- 6. Year Page No. Dist.
- 7. Year Page No. Dist.
- 8. Year Page No. Dist.
- 9. Year Page No. Dist.
- 10. Year Page No. Dist.
- 11. Year Page No. Dist.
- 12. Year Page No. Dist.

Application made by

Ms. 1

Stenographer

M. R. Green

Key D 748

310837

RECEIVED
MAR 22 1902

[Handwritten signature]
ALFRED H. BROWN

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Dr. Fred Stone,
Cherokee, I. T.
No. 100-2-1-107.
Registrar.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cher. Fr. R. 753

No. 1 Trans from C. Fr. D. 840

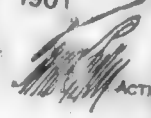
Cher. Fr. R. 753

D

719 840

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
OCT 5 1901


ACTING CHAIRMAN

COMMISSIONERS

HENRY L. DAWES
JAMES BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYERSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

Volume 1 of 21401

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Ella Ross et al for enrollment as
Freedmen of the Cherokee Nation.

No.

712 840

A. M. Callaway
Atty for applicants

COPY.

Cherokee Freedman
D-840.

Muskogee, Indian Territory, January 24, 1906.

A. M. Calloway,

Attorney for Ella Ross,

Claremore, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1906, rejecting, among others, the application for the enrollment of Ella Ross as a Cherokee citizen by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED).

Tame Bixby.

Chairman.

Encl. L-119.

Register.

COPY.

Cherokee Freedmen
>14 et al.

Muskogee, Indian Territory, January 24, 1905.

Bell, Hastings & Javenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Hayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinbo, William B. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Jane Morris, Alexander Claggett, Ananda Martin, Eliza Martin, John W. Barnes, Bell Davis, Samuel Brown, Edward F. Watson, Jack McGonnell, Maude Mapley, George Reed, Sr., Buck Ledman, Ball Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John I. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Hess, Charles C. Smith, Susie Gilbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kissie Vann, Freddie Lecney, Lucy

Chouteau, Alice Durant, Mahaley Waid, Fred D. Thomas, Bettie Bank,
Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary
Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephen ~~Wann~~,
Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers,
George Washington Lane, Jane Brown, Samuel L. Young, John Duckner,
Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett,
Samuel Irvon, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross,
Elizabeth Dunham, Sadie Adams, Georgeann Archer, John Claggett,
Mattie Smith, Jack Jackson, Lula Sanders, George Hamalrig, Lizzie
West, Maria French, Mary Johnson, Maggie Vann, William Hudson,
Sarah Rogers, Abraham Ballard, Laura David, John Deekman, James
B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masair,
George Adams, Annie Thomas, Lewis McGinnell, Callie Vann, Lou
Peters, Ma Alair, Robert Brown, Allie Chambers, Isaac Jones,
Alice Gunter, Katie Alair, Garris Martin, Benjamin Clark, Emily
Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett,
Fannie Rogers, William Washington, Squire Warren Owens, Fannie
Goldoby, Susan Daniels, Anderson Turk, David Lane, Felix McClain,
Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah
Thompson, Ellen Sheppard and Lela Melten, as Cherokee citizens
by intermarriage.

The decision, together with the record of proceedings
had in the case, has this day been transmitted to the Secretary
of the Interior for his review and decision. The action of the

Inventory will be made known to you as soon as the information is
available of the same.

Respectfully,

SIGNED: *James Bisby*
Special Agent

1000, K-9.

COPY.

Cherokee Freedman
D-340.

Muskogee, Indian Territory, January 24, 1905.

Mrs. Ross,

Talala, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage. A copy of the Commission's decision has this day been forwarded to your attorney, A. W. Calloway, Claremore, Indian Territory.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED:

James Dixby
Chairman.

Encl. L-97.

Register.

COPY.

Cherokee Freedmen
3-14 et al.

Waukegon, Indian Territory, January 24, 1906.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Lewis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Deaton, Mary Jane Vann, Thomas Lowe, Ella Hayfield, Sallie Rider, Nauben Campbell, Van Jackson Luther, Cassie Middleton, Mary Earlin, Nellie Fields, John Kinbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Jave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Edward F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Reese, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Lecney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred J. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber,

Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. P. Wall, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Stater, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel I. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irvan, Mary Rose, Maggie Nave, Neema Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Eattie Smith, Jack Jackson, Lula Sanders, George Hasselrig, Lizale Vest, Marie French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deekman, James B. Perry, Isaac Welch, Lawson Logan, George Kewell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Leoney, John Groves, Matilde McHair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Supter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by inter-marriage, including the Commission's decision dated January 19, 1905, rejecting said applications.

Respectfully,

(SIGNED)

Tams Dixby
Chairman.

Incl. K-8.
Through the
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1908.

Refer in reply
to the following:
Land.
7908-1908.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1908, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Craggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Hanley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Mae Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Hess, Jane Martin, Lana Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Reed, Charles G. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis

Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Wiley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Damm, Malinda Vann, Frances Johnson, Annie Foster, Mary E. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bewles, Malinda Murrell, Charles Claggett, Samuel Irvan, Mary Hess, Maggie Howe, Keema Howe, Ella Hess, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Mattie Smith, Jack Jackson, Lula Sanders, George Kasselrig, Lissie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Leoney, John Groves, Matilda McHair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Supter, Mariah Thompson, Ellen Sheppard and Lula Melton.

January 19, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority

of the Cherokee Nation or by any United States Tribunal and that
none is identified on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Depart-
ment of November 12, 1904 (I. T. D. 5045-1904) in the Land
Walcome case, the approval of the Commission decision adverse to
all the applicants is recommended.

Very respectfully,

G. F. Larrabee,

Acting Commissioner.

H.M.N.
W.



D. C. 20877-1908
I. T. D. 2904-1908

(COPY)

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

V. C. F.
F H M
L R S

April 17, 1908.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

January 24, 1906, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1906, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Halton, John Detson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Lather, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinbo, William B. Madden, Jane Nean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Cloggett, Azanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kander Lampton, Thomas R. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann,

John Scott, Nanny Ross, Charles C. Smith, Susie Gilbert,
William Stagg, Susie Johnson, Alfred P. Hopkins, Kinsie Vann,
Freddie Leach, Lucy Chenoweth, Alice Durant, Mahaley Ward,
Fred D. Thomas, Bettie Beck, Ella Warren Millie Robinson,
Mary Webber, Frances Martin, Mary Riley, Samuel Taylor, Henry
Bykes, Larkin P. Powell, Stephen Dahn, Malinda Vann, Frances
Johnson, Annie Pastor, Mary H. Rogers, George Washington Lane,
Jane Brown, Samuel L. Young, John Bushner, Willis Cox, Leonard
Howles, Malinda Surrrell, Charles Claggott, Samuel Ives, Mary
Ross, Maggie Hays, Emma Hays, Ella Ross, Elizabeth Duncan,
Basie Adams, Georgeann Archer, John Claggott, Mattie Smith,
Jack Jackson, Lula Sanders, George Hazelrig, Lixie Vest,
Maria French, Mary Johnson, Maggie Vann, William Hudson,
Sarah Rogers Abraham Ballard, Laura David, John Beckman,
James E. Perry, Isaac Welch, Lawson Logan, George Powell,
Henry Masir, George Adams, Annie Thomas, Lewin McDonnell,
Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers,
Leon Jones, Alice Gunter, Fannie Adair, Carrie Garcia, Benjamin
Clark, Emily Looney, John Greaves, Mattie McHair, Bettie Vann,
Nelson Lett, Fannie Rogers, William Washington, Squire Warren
Owens, Fannie Goldsby, Susan Daniels, Anderson Tur, David Lane
Felix McClain, Monterson Jones, Belle Vann, Levi Stroud, John
Smpter, Mariah Thompson, Allen Sheppard, and Lela Helton.

-2-

Reporting in the matter March 21, 1906, the Indian
Office recommends that your decision be approved. A copy of
its letter is inclosed.

The Department concurs in said recommendation, and your
decision is hereby affirmed.

Sincerely,

1 inclosure.

(Signed) W. D. H. H. H.
Acting Secretary

COPY.

Cherokee Freedmen

D-440.

Washoege, Indian Territory, April 26, 1905.

A. M. Calloway,

Attorney for Kila Ross,

Claremore, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 18, 1905, relating, among others, the application for the enrollment of Kila Ross as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

SIGNED:

Tames Dixby

Chairman.

COPY.

Cherokee Freedmen

D -14, et al.

Muskogee, Indian Territory, April 28, 1908.

Ball, Hastings & Devenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the commission's decision dated January 19, 1908, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1908.

Respectfully,

(SIGNED) *Jams Bixby.*
Chairman.

COPY.

Cherokee Breadmen

D-14, et al.

Muskegee, Indian Territory, April 28, 1905.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) *Tams Bixby.*
Chairman.

COPY.

Cherokee Freedmen

D-840.

Muskogee, Indian Territory, April 28, 1906.

Elle Ross,

Talala, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated January 19, 1906, rejecting, among others, your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1906.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Minnie Ross as a Cherokee Freedman:

DECISION

The record in this case shows that on June 24, 1901, Perry Ross appeared before the Commission at Nowata, Indian Territory, and made personal application for the enrollment of himself and minor child, Minnie Ross, as Cherokee Freedmen. The application also included Ella Ross, wife of said Perry Ross, who claims right to enrollment as a Cherokee Freedman by intermarriage but, the status of such persons not being fixed at this time, the said Ella Ross is not embraced in this decision. The said Perry Ross is not embraced in this decision as his name appears on the partial roll of Cherokee Freedmen approved by the Secretary of the Interior on January 16, 1903, at number 2590.

The evidence shows that the applicant, Minnie Ross, is the minor child of the said Perry Ross, who is duly identified on the 1880 authenticated roll of the Cherokee Nation as an adopted colored citizen.

The evidence further shows that the said Minnie Ross was born and has always resided in the Cherokee Nation.

It is, therefore, the opinion of this Commission that the said Minnie Ross should be enrolled as a Cherokee Freedman, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



 Chairman.



 Commissioner.



 Commissioner.



 Commissioner.

Muskogee, Indian Territory,
this MAR 5 1904

4100100

Consolidated

Co.

MAR 22 1902

[Handwritten signature]
-

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Ella Ross,

Talala, N. C.

Cherokee - 1-1-340.

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

6

510840

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 25 1901



ACTING CHAIRMAN

"Tuesday Morning, June 20, 1871."

"Court convened—Present same as yesterday. The making out of report continued until the court announced the following decision regarding certain colored men who have married colored women of the nation, to-wit:"

"The Court of Commission after mature reflection feel authorized to decide against all cases before it wherein colored or black men are claiming citizenship from marrying black female citizens under the law 'Regulating Intermarriage with White Men,' as they are convinced a correct interpretation of said law will not authorize a clerk of any of the courts to issue a license to a black man to marry a black woman as it only alludes to, and was intended for white men and Cherokee women."

"The Court believes it is further sustained in the opinion that colored citizens, are such by adoption, and as such, cannot confer rights upon others, without further legislation upon the matter; therefore decides 'The following named persons are not entitled to Cherokee citizenship as claimed, to-wit:'"

"George Washington, Cooweescoowee District.

"Henry Johnson, Tahlequah "

"Lee Cooper, " "

"Henry Bird, " "

"William Madden, " "

"Alonzo Cullen, " "

"Solomon Foster, Illinois "

"William Hudson, " "

"Haywood Youngblood, Sequoyah District."

EXECUTIVE DEPARTMENT, CHEROKEE NATION.

TAHLEQUAH, I. T., June 22, 1901.

I, J. T. Parks, Executive Secretary of the Cherokee Nation, Indian Territory, do hereby certify that the above and foregoing is a true and correct copy of the decision of the Supreme Court of the Cherokee Nation sitting as a "Special Court of Commissioners" as found on pages 86 and 87 Record Book No. Five entitled "Minutes of Special Court of Commission," on file in this department.

Given under my hand and the Great Seal of the Cherokee Nation at Tahlequah, Indian Territory, on this the day and date above written.

J. T. Parks
Executive Secretary of Cherokee Nation.

NOTE:—Decision regarding colored citizens of the United States intermarrying with colored women citizens of the Cherokee Nation made June 20, 1871.

Department of the Interior,
Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by inter-marriage of the Cherokee Nation, consolidating the applications of:

William Davis,	Cherokee Freedmen D—14,
Henry Thomas,	Cherokee Freedmen D—58,
Ella Vahli,	Cherokee Freedmen D—70,
Mary Markham,	Cherokee Freedmen D—109,
Frances Melton,	Cherokee Freedmen D—110,
John Dotson,	Cherokee Freedmen D—111,
Mary Jane Vahli,	Cherokee Freedmen D—115,
Thomas Lowe,	Cherokee Freedmen D—119,
Ella Mayfield,	Cherokee Freedmen D—124,
Sallie Rider,	Cherokee Freedmen D—147,
Reuben Campbell,	Cherokee Freedmen D—167,
Van Jackson Luther,	Cherokee Freedmen D—174,
Cassie Middleton,	Cherokee Freedmen D—176,
Mary Harlin,	Cherokee Freedmen D—179,
Nellie Fields,	Cherokee Freedmen D—183,
John Kimbo,	Cherokee Freedmen D—198,
William S. Madden,	Cherokee Freedmen D—199,
Jane Bean,	Cherokee Freedmen D—205,
Albert T. Thomas,	Cherokee Freedmen D—249,
Mary Campbell,	Cherokee Freedmen D—270,
Caroline Daniels,	Cherokee Freedmen D—282,
Melvina Alberty,	Cherokee Freedmen D—287,
Dave Morris,	Cherokee Freedmen D—288,
Alexander Claggett,	Cherokee Freedmen D—308,
Amanda Martin,	Cherokee Freedmen D—308,
Eliza Martin,	Cherokee Freedmen D—317,
John E. Burnes,	Cherokee Freedmen D—348,
Ben Davis,	Cherokee Freedmen D—355,
Samuel Brown,	Cherokee Freedmen D—345,
Howard F. Watson,	Cherokee Freedmen D—347,
Jack McConnell,	Cherokee Freedmen D—348,
Maudie Manley,	Cherokee Freedmen D—358,

George Reed, Sr.,
 Buck Ledman,
 Bell Thompson,
 Lewis Scott,
 Abe Scott,
 Kander Hampton,
 Thomas H. Allen,
 Lewis Vanderford,
 John L. Bowlin,
 Katie Davis,
 Charles Williams,
 John J. Rose,
 Jane Martin,
 Lena Peterson,
 Alex Johnson,
 Martha Vann,
 John Scott,
 Nancy Ross,
 Charles C. Smith,
 Susie Colbert,
 William Skaggs,
 Susie Johnson,
 Alfred P. Hopkins,
 Kizzie Vann,
 Freddie Looney,
 Lucy Chouteau,
 Alice Durant,
 Mahaley Ward,
 Fred D. Thomas,
 Bettie Beak,
 Ellis Warren,
 Millie Robinson,
 Mary Webber,
 Frances Martin,
 Mary Riley,
 Emanuel Taylor,
 Henry Sykes,
 Larkin P. Powell,
 Stepmey Dawn,
 Malinda Vann,
 Frances Johnson,
 Annie Foster,
 Mary H. Rogers,
 George Washington Lane,
 Jane Brown,

Cherokee Freedmen D-382,
 Cherokee Freedmen D-406,
 Cherokee Freedmen D-411,
 Cherokee Freedmen D-420,
 Cherokee Freedmen D-431,
 Cherokee Freedmen D-433,
 Cherokee Freedmen D-434,
 Cherokee Freedmen D-436,
 Cherokee Freedmen D-444,
 Cherokee Freedmen D-455,
 Cherokee Freedmen D-473,
 Cherokee Freedmen D-474,
 Cherokee Freedmen D-488,
 Cherokee Freedmen D-490,
 Cherokee Freedmen D-493,
 Cherokee Freedmen D-494,
 Cherokee Freedmen D-501,
 Cherokee Freedmen D-513,
 Cherokee Freedmen D-514,
 Cherokee Freedmen D-520,
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 Cherokee Freedmen D-546,
 Cherokee Freedmen D-550,
 Cherokee Freedmen D-552,
 Cherokee Freedmen D-573,
 Cherokee Freedmen D-584,
 Cherokee Freedmen D-588,
 Cherokee Freedmen D-608,
 Cherokee Freedmen D-650,
 Cherokee Freedmen D-665,
 Cherokee Freedmen D-677,
 Cherokee Freedmen D-674,
 Cherokee Freedmen D-681,
 Cherokee Freedmen D-699,
 Cherokee Freedmen D-698,
 Cherokee Freedmen D-699,
 Cherokee Freedmen D-733,
 Cherokee Freedmen D-735,
 Cherokee Freedmen D-736,
 Cherokee Freedmen D-734,
 Cherokee Freedmen D-741,
 Cherokee Freedmen D-743,
 Cherokee Freedmen D-743,
 Cherokee Freedmen D-743,
 Cherokee Freedmen D-750,
 Cherokee Freedmen D-756,
 Cherokee Freedmen D-760,

Samuel LeYoung,
 John Bickner,
 Willis Cox,
 Leonard Bowles,
 Malinda Murrell,
 Charles Claggott,
 Samuel Irwin,
 Mary Ross,
 Maggie Nave,
 Neoma Nave,
 Ella Ross,
 Elizabeth Duncan,
 Sadie Adams,
 Georgeann Ascher,
 John Claggott,
 Hattie Smith,
 Jack Jackson,
 Lula Sanders,
 George Haselrig,
 Lizzie West,
 Maria French,
 Mary Johnson,
 Maggie Vann,
 William Hudson,
 Sarah Rogers,
 Abraham Ballard,
 Laura David,
 John Deakman,
 James B. Perry,
 Isaac White,
 Lamma Logan,
 George Hamik,
 Henry Meier,
 George Adams,
 Annie Thomas,
 Lewis McCall,
 Ollie Vann,
 Lou Peters,
 Ida Adair,
 Robert Brown,
 Allie Chambers,
 James Jones,
 Alice Ganters,
 Katie Adair,
 Carrie Martin,

Cherokee Freedmen D-762,
 Cherokee Freedmen D-780,
 Cherokee Freedmen D-781,
 Cherokee Freedmen D-787,
 Cherokee Freedmen D-788,
 Cherokee Freedmen D-789,
 Cherokee Freedmen D-798,
 Cherokee Freedmen D-799,
 Cherokee Freedmen D-806,
 Cherokee Freedmen D-816,
 Cherokee Freedmen D-840,
 Cherokee Freedmen D-871,
 Cherokee Freedmen D-880,
 Cherokee Freedmen D-801,
 Cherokee Freedmen D-912,
 Cherokee Freedmen D-923,
 Cherokee Freedmen D-938,
 Cherokee Freedmen D-973,
 Cherokee Freedmen D-987,
 Cherokee Freedmen D-999,
 Cherokee Freedmen D-1010,
 Cherokee Freedmen D-1039,
 Cherokee Freedmen D-1062,
 Cherokee Freedmen D-1067,
 Cherokee Freedmen D-1078,
 Cherokee Freedmen D-1082,
 Cherokee Freedmen D-1085,
 Cherokee Freedmen D-1105,
 Cherokee Freedmen R-39,
 Cherokee Freedmen R-45,
 Cherokee Freedmen R-48,
 Cherokee Freedmen R-50,
 Cherokee Freedmen R-72,
 Cherokee Freedmen R-82,
 Cherokee Freedmen R-83,
 Cherokee Freedmen R-86,
 Cherokee Freedmen R-94,
 Cherokee Freedmen R-96,
 Cherokee Freedmen R-99,
 Cherokee Freedmen R-109,
 Cherokee Freedmen R-103,
 Cherokee Freedmen R-104,
 Cherokee Freedmen R-104,
 Cherokee Freedmen R-106,
 Cherokee Freedmen R-107,

Benjamin Clifton
 Emily Loney
 John Owens
 Matilda McHenry
 Bettie Vann
 Nelson Lett
 Fannie Rogers
 William Washington
 Squire Warren Owens
 Fannie Goldsby
 Susan Danish
 Anderson Bark
 David Lane
 Felix McChis
 Henderson Jones
 Belle Vann
 Levi Stroud
 John Sumpter
 Mariah Thompson
 Ellen Sheppard
 Lula Melton

Cherokee Freedmen R-109
 Cherokee Freedmen R-110
 Cherokee Freedmen R-111
 Cherokee Freedmen R-112
 Cherokee Freedmen R-113
 Cherokee Freedmen R-114
 Cherokee Freedmen R-115
 Cherokee Freedmen R-116
 Cherokee Freedmen R-117
 Cherokee Freedmen R-118
 Cherokee Freedmen R-119
 Cherokee Freedmen R-120
 Cherokee Freedmen R-121
 Cherokee Freedmen R-122
 Cherokee Freedmen R-123
 Cherokee Freedmen R-124
 Cherokee Freedmen R-125
 Cherokee Freedmen R-126
 Cherokee Freedmen R-127
 Cherokee Freedmen R-128
 Cherokee Freedmen R-129
 Cherokee Freedmen R-130
 Cherokee Freedmen R-131
 Cherokee Freedmen R-132
 Cherokee Freedmen R-133
 Cherokee Freedmen R-134

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by inter-marriage, were made to this Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Jine Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Prudence Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Miller for his wife, Sallie Miller; by Andrew Campbell for himself; by Van Jackson for himself; by Tobe Middleton for his wife, Ounie Middleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nettie Fields; by John Kimbo for himself; by William W. Maddox for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Payton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Silas Brown; by Mary Ann Watson for her husband, Howard P. Watson; by Jack McConnell for himself; by Maude Moxley for herself; by George Reed, Sr. for himself; by Buck Ledman for himself; by Bell Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Kadder Langston for himself; by Thomas E. Allen for himself; by Lewis Vaidlerford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Martha Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Esie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by John Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Riley for his wife, Mary Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Stepeny Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr. for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammar Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Marrell for his wife, Malinda Marrell; by Charles Claggett for himself; by Sam of Iron for himself; by David Reed for his wife, Mary Ross; by George E. Nave for his wife, Maggie Nave; by Lewis Armistead Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Fattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lela Sanders; by Mary Henselrig for her husband, George Henselrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Halford for himself; by King David for his wife, Laura David; by John Deckman for himself; by James R. Perry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewin McCosson for himself; by Josh Vann for his wife, Ollie Vann; by Lew Pitters for herself; by Robert Adair for his wife, Leila Adair; by Josie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Ailie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Effy Looney for herself; by Mary Grays for her husband, John Grates; by Butler McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allan Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Sarah Daniels; by Rachel Turk for her husband, Anderson Turk; by David Led for himself; by Dale McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment, as off' ens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1890 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stat., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcomes (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson, Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Beany, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliss Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard E. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles O. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Fredie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ella Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin D. Powell, Stepeny Dawson, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Iven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duseau, Sadie Adams, Georgiann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelfig, Lizzie West, Marfa French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Maair, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Alfie Chambers, Isom Jones, Alice Ginter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY, Chairman.
[SIGNED] T. B. NEEDLES, Commissioner.
[SIGNED] C. R. BRECKINRIDGE, Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

Cher. Fr. R. 754

Trans from C. Fr. D. 844

Cher. Fr. R. 754

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COMM

TO THE
FILED
JUL 9 1901

[Handwritten signature]

CLERK

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 24, 1901.

In the matter of the application of James Vann for the enrollment of himself and his mother as Cherokee Freedmen.

James Vann, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A James Vann.
Q How old are you? A About 26 I guess.
Q What is your post office? A Nowata.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A My mother.
Q Why isn't your mother here? A She is at Fort Gibson, she hasn't got her right mind.
Q What is her name? A Jennie Vann.
Q Are you on the roll of 1880? A I don't know whether I am or not, I think she is though.
Q How old is she? A She is about 40.
Q What was your father's name? A John Bishop, my father's name.
Q What was your mother's name? A Jennie Vann.
Q If your father's name was John Bishop why isn't your name Bishop?
A I always go by Vann, they never called me by my father's name.
Q How do you sign your name? A Jim Vann.
Q You say you don't know whether you are on the 1880 roll or not?
A No, sir, I don't.
Q Was your father a citizen? A He is a Creek citizen, yes, sir.
Q Your mother a Cherokee citizen? A Yes, sir.
Q Where were you born? A Born on Pryor Creek.
Q You always lived in the Cherokee Nation? A Yes, sir.
Q Never lived in the Creek Nation? A No, sir, never lived in the Creek Nation all my life.
Q Your father and mother live together as man and wife? A Yes, sir.
Q What Nation did they live in? A I don't know what Nation they did live in.
Q Is your father living? A Yes, sir.
Q Where does he live? A He lives in the Creek Nation.
Q Does he live with your mother? A No, sir.
Q Fact is, you don't know whether they were married or not? A No, sir, I can't swear to it.
Q What does the old lady say about it? A She says they were married.
Q You say your mother isn't able to give testimony? A No, sir.
Q Not in her right mind? A No, sir, her mind comes and goes.
Q Where does she live? A She lives down here at Fort Gibson.
Q Where do you live? A I live here in Nowata.
Q You don't know whether your mother applied at Fort Gibson or not?
A No, sir.
Q Are you married? A No, sir.
Mr. J. S. Davenport, Cherokee attorney: Did you ever go by the name of Turk? A Yes, sir.
Commissioner: How did you happen to go by the name of Turk? A That is my ~~STEPHANSON~~'s name; I think she was enrolled, I am not sure.
Q Has she got any other children besides you? A No, sir, just me.
Q Do you know whether your name is on the 1880 roll or not?
A No, my name isn't on the roll of 1880, I think my mother is on the 1880 roll.
Mr. W. W. Hastings, Cherokee attorney: What was your mother's father's name? A Jim Vann.
Q What was her mother's name? A I don't know.
Commissioner: Did you draw your Kern-Clifton money? A I haven't drawn anything.

James Vann - 2.

Q Did you try to draw it? A No, sir.

Q Never tried to draw any money? A No, sir.

Q Never had any use for any money? A No, sir.

Mr. Hastings: Where were you living four years ago when this Kern-Clifton Commission was going around over the country? A Lenapah.

Q Why didn't you apply then? A I don't know, my mother wasn't there.

Q You never applied to the Wallace Court? A I didn't know what to do myself.

Q You never applied to the Wallace Court? A No, sir.

Q Where were you living then, ten or eleven years ago? A I was in Vinita about eleven years ago.

Q Then you have been in Kansas? A No, sir.

Q You stayed up there? A No, sir; I stayed there about six months.

Q That all? A Yes, sir, up there at Parsons, working in a hotel up there.

Q When you were first old enough to remember, where were you?

A Down on Pryor Creek.

Q How long did you live there continuously? A I was there about eight years old when my mother took me away from there.

Q Where did she take you? A A place up in Kansas somewhere.

Q What town? A I can't remember the name of the town, but I have been working around ever since I have been big enough to work, all up and down this road, on the railroad.

Q What place in Kansas did your mother take you? A She never took me any place, I went myself.

Q When you were about eight years old? A No, sir, when I was about 14 or 15 I went up to Parsons, and then I came on down to Vinita and worked at a livery stable.

Commissioner: Is your mother on any of the rolls of the Cherokee Nation, or not? A I don't know sir whether she is or not.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Kern-Clifton roll examined and the applicants not identified thereon.

The Wallace roll examined and the applicants not identified thereon.

Katie Vann, being duly sworn and examined by Commissioner Needles, testified as follows:

Q Do you know this applicant here? A Yes, sir.

Q How long have you known him? A Ever since he was a baby.

Q What was his mother's name? A Named Jennie.

Q Is she on any of the rolls of the Cherokee Nation? A I don't know, she ought to be, she came with these Riders th at I came with, she is a sister of Dunk Vann and belonged to Mrs. Archer.

Q Dunk Vann is on the roll of 1880? A Yes, sir.

Q Who did she belong to? A Mrs. Archer.

Q Did she go out of the Cherokee Nation during the war? A Yes, sir.

Q When did she come back? A With her sister, Sarah Rider, in '66.

Q Has she got her right mind? A No, sir, she just wanders around anywhere and everywhere, I don't know where she is now; about Fort Gibson I think though.

Q She is not competent then to testify here and make application for herself? A No, sir.

Mr. Hastings: Who was this boy's father? A His father was a Creek named JOHN Bishop, a Creek colored man.

James Vann - 3.

Q What kin is his mother to this Rolla Vann in here a few minutes ago? A Half sister, one father.

Q About how old is this boy's mother now? A About 48 years old I think, as near as I can come at it.

Q Did she come back with her father and mother? A No, sir, she came back with her sister, Sarah Rogers, the one that was in here the other day; she brought her back, she lived with her.

Q To what place did she bring her back? A Down in Saline district

Q Where had she been? A Kansas.

Q How long was that before her father came? A Well now I didn't see her father when he came, I didn't see the old folks toll '67, I was at home.

Q Who was she living with down there when you first saw her? A This boy's mother; lived with Sarah Rogers, her sister.

Q Her mother was still living, wasn't she? A No, sir, her mother died.

Q Rolla's mother wasn't her mother? A No, sir.

Q Is she a half sister of Rolla? A Yes, sir.

Q Was Sarah Rogers married; I have forget the case? A Yes, sir, Sarah Rogers was married

Q At that time? A Yes, sir.

Q What was her husband's name? A Joe Rogers.

Q And they were all living on Spring Creek? A Yes, sir.

Q On whose place were they living? A Living on their own place, made a place about a mile of where I lived, on the west side of Spring Creek, from where I lived; I lived on the west side and they lived on the east side.

Q They made a new place down there? A Yes, sir.

Commissioner: Did Jennie Vann ever go by any other name besides Vann? A No, sir; she went by the name of Bishop, by her husband's name; she went away from her sister and stayed a good while before she married with old Aunt Sarah Ross, and I think you will find her name enrolled with old Aunt Sarah Ross' family, because she stayed with her a long time.

Commissioner: James Vann applies for the enrollment of himself and his mother, Jennie. He avers that he is 26 years of age, and his mother is 40, and he avers that his mother is non compos, and makes satisfactory proof of the fact that his mother is not able intellectually to apply for herself. His name is not found upon any of the rolls of the Cherokee Nation, neither is the name of his mother. He avers that his mother was a slave. Reference is made to the testimony. Said James and his mother Jennie Vann will now be listed for enrollment as Cherokee Freedmen upon a doubtful card. He will be duly notified by mail of the decision of the Commission.

Supplemental testimony.

Dunk Vann, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Dunk Vann.

Q What is your age? A About 58.

Q Do you know James Vann, and his mother Jennie? Q Yes, sir, I know Jennie, and I am acquainted with Jim.

Q What relation is Jennie to you? A Half sister.

Q Was she a slave? A Yes, sir.

Q To whom did she belong? A Mrs. Archer.

Q Do you know whether she went out of the Cherokee Nation during the Civil War? A Yes, sir.

James Vann - 4.

- Q Where did she go? A U. in Kansas.
Q When did she return? A I can't tell you that, you will have to go to somebody else.
Q When did you first see her after the war? A '67.
Q What part of '67? A Along about the first.
Q You mean in January? A Yes, sir.
Q Is the James Vann who has applied here her son? Do you know his as James? A Well she says that is her son, I don't know much about the fact.
Q Do you know where James was born? A No, sir.
Q Know where he has been living? A Yes, sir.
Q Where? A Around in the country here in this district.
Q You don't know where he was born? A No, sir.
Q Know his father? A No, sir.
Q You know that Jennie returned then as early as January, 1867?
A Yes, sir, I saw her in January, 1867.
Q Did she return with you? A No, sir.
Q Where did you see her in January, 1867? A Saw her on Fryor Creek with them Rosses.
Q Is she of sound mind? A No, sir.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 2nd of July, 1901.

C. R. McKinstry

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 8, 1901.

In the matter of the application of James Vann et al.
for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation
Appearances:

Applicant not present or represented;
J.S. Davenport, of counsel for Cherokee Nation.

Commissioner: Proper proof of service made and applicant
three times called, comes not, or anyone for her.

MARY F. ARCHER, being duly sworn by Commissioner Needles, tes-
tified as follows:

Mr. Davenport: State your name? A Mary F. Archer.

Q Where do you live? A Cherokee Nation.

Q How long have you lived in the Cherokee Nation? A Always

Q You were living in the Cherokee Nation when the war broke out,
were you? A Yes, sir.

Q You remember a slave belonging to your family, by the name of
Jim Vann? A Yes, sir

Q Did he have a son named Dunk Vann? A Yes

Q Well, do you know whether or not Jim Vann, who had a boy
named Dunk, had any girls, or daughters? A Well, when the war came
up he had some small children.

Q Do you know whether or not he had a girl named Sarah? A That
was Dunk's sister.

Q Do you know about what time Dunk and his father came back to the
Cherokee Nation? A They came back in '66.

Q Well, did Sarah come with them? A Sarah didn't come with them

Q When they came back, to what locality did they come, with
reference to where you lived? A Came right back in the neigh-
borhood.

Q Dunk and his father and them came right back in the neighbor-
hood where you were in 1866? A Yes, sir

Q And the others of the family, except her, came right there
after they came back? A Yes, sir, they were right there in a
mile or two of us.

Q Do you know when Sarah came, with reference to them? A No sir
I don't know when she came.

Q Do you remember a slave that claimed to be one of that family
by the name of Jennie? A Yes.

Q What does this Sarah, or Susie, or whatever her name was, go
by now, this Jim Vann's daughter? A She goes by the name of Rider,
Sarah Rider.

Q You don't know this young Jim Vann that is the applicant, do
you know him, 26 years of age now, young Jim, that claims to be
the son of Jennie Vann or belonging to old man Jim Vann's family?

A Yes, I believe I do.

Q Then you know when Jim Vann and Dunk and them returned? A When
they came, yes.

Q And Sarah didn't come with them? A Yes sir.

Q Was Sarah's name Sarah Rogers ever? A She was Sarah Rogers, yes

Q Do you know when she came back? A That is the one we are speak-
ing about now, no I don't know when she came, she didn't come when
the others came, I don't know how long afterwards she came.

Q Who came with the others? A The old man and his family.

Q Old man Dunk? A No, Jim, Dunk's father.
 Q How much of a family came with him? A He had three or four boys.
 Q Did he have any girls? A No, no girls.
 Q So this Sarah didn't come back with them? A No.
 Q What relation was Sarah to this man? A James Vann was her father but she married while she was away.
 Q He and the boys came back but she didn't? A She didn't come with them, no, sir.
 Q You don't know when she did come? A No.
 Q You don't know whether she came in '66? A No, I have no idea she did because they came right in our neighborhood.
 Mr. Davenport: How long did they live in your neighborhood, Jim and his family, how long after they came back did they stay?
 A They lived there quite a number of years.
 Q Had Sarah come back before they left, or before they moved out of your neighborhood? A No, she came back on this side of the river first I ever know of her.
 COMMISSIONER: Have you ever seen Sarah since after the war?
 A No, I haven't met her.
 Q Never seen her at all, don't know anything about her? A No, haven't met her.

Bruce C. Jones, being duly sworn, says that as stenographer to the commission to the Five Civilized Tribes, he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this 12th of October, 1901

(Signed) T. B. Needles

Lucy M. Bowman, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy, and that the same is a full true and correct copy of the original transcript.

Lucy M. Bowman

Subscribed and sworn to before me this 20th day of September, 1904.

H. C. Martin, Jr.
 Notary Public

C. M. McR.

Cherokee Freedmen D 844

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James Vann, et al.,
for enrollment as Cherokee Freedmen.

D E C I S I O N.

The record herein shows that on June 24, 1901, at Nowata, Indian Territory, James Vann appeared before the Commission and made application for the enrollment of himself and his mother, Jennie Vann, as Cherokee freedmen. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on October 8, 1901.

The record herein shows that the said Jennie Vann was the slave of a Cherokee citizen at the commencement of the war of the rebellion; that she was taken out of the Cherokee Nation during said war but did not return thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, et al., vs. the Cherokee Nation, et al., for the return of freedmen to said Nation.

The evidence further shows that James Vann was born since 1866 and possesses no rights to enrollment except such as he may have acquired through his said mother, Jennie Vann; his father, John Bishop, being a Creek freedman.

It does not appear that either of the applicants herein is identified on the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the application of James Vann and Jennie Vann for enrollment as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 26, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES/

(Signed)

Tams Bixby
Chairman

(Signed)

T. B. Needles
Commissioner

(Signed)

C. R. Breckinridge
Commissioner

Muskogee, Indian Territory, (Signed)

W. E. Stanley
Commissioner

this Mar 5 1904

Amr 26

Cherokee Freedmen D-844.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James Vann, et al., for enrollment as Cherokee Freedmen.

DECISION.

The record herein shows that on June 24, 1901, at Nowata, Indian Territory, James Vann appeared before the Commission and made application for the enrollment of himself and his mother, Jennie Vann, as Cherokee freedmen. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on October 8, 1901.

The record herein shows that the said Jennie Vann was the slave of a Cherokee citizen at the commencement of the war of the rebellion; that she was taken out of the Cherokee Nation during said war but did not return thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to said Nation.

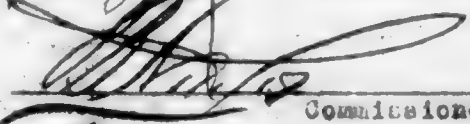
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It does not appear that either of the applicants herein is identified on the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the application of James Vann and Jennie Vann for enrollment as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

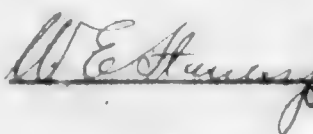

Chairman.


Commissioner.


T. R. Bredin
Commissioner.

Muskogee, Indian Territory.

this MAR 5 1901


Commissioner.

209

COMMISSIONERS
JAMES HIXBY
THOMAS H. NEEDLES
C. R. BRECKINRIDGE
W. F. STANLEY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D 844

ALLISON L. AYERSWORTH
SECRETARY

ADDRESS ONLY
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 24, 1904.

James Vann,

Newata, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your mother, Jennie Vann, as Cherokee freedmen, together with the Commission's decision dated March 5, 1904, rejecting your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Commissioner in Charge.

Encl. V-92

Registered.

Cherokee Freedmen
D 844

Muskegee, Indian Territory, March 24, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the five Civilized Tribes, dated March 8, 1904, rejecting the application of James Vann for the enrollment of himself and his mother, Jennie Vann, as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

I. B. Phillips

Encl. V-93

Commissioner in Charge.

COPY.

Cherokee Freedmen
D 844

Muskogee, Indian Territory, March 24, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of James Vann for the enrollment of himself and his mother, Jennie Vann, as Cherokee freedmen, including the Commission's decision dated March 5, 1904, rejecting said application.

Respectfully,

I. B. Needles

Encl. V-94

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Cherokee Freedmen
D- 844.

Muskogee, Indian Territory, September 16, 1904.

James Vann,

Nowata, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of August 21, asking to be advised whether the name of your mother, Jennie Vann, appears upon the Cherokee authenticated roll of 1880.

In reply you are advised that an examination of the 1880 roll has been made, and the name of your said mother can not be identified thereon.

In this connection there is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your mother, Jennie Vann, as Cherokee Freedmen, together with Commission's decision dated March 5, 1904, rejecting your said application.

The decision, with the record of proceedings had in the case, was transmitted to the Secretary of the Interior, on March 24, 1904, for his review and decision. The act of the Secretary will be made known to you as soon as the Commission is informed of the same.

You are further advised that a copy of the record of proceedings had in your said application, together with the

Commission's decision was forwarded to you at Nowata, Indian Territory, on March 24, 1904, by registered mail, and the letter was returned, uncalled for.

Respectfully,

Encl. M-10.

Chairman.

Register.

(C O P Y)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Refer in reply
to the following:

WASHINGTON. September 27, 1904.

Land

20522-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated March 24, 1904, transmitting the record of the application for enrollment as Cherokee freedmen by James Vann for himself and his mother, Jennie Vann.

March 5, 1904, the Commission decided adversely to the applicants.

The record shows that Jennie Vann was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she was taken out of the Cherokee Nation during the war but did not return to said Nation on or before February 11, 1867.

The evidence shows that James Vann was born since 1866, and possesses no rights to enrollment except such as he may have acquired through his mother, Jennie Vann; his father being a Creek freedman. The applicants are not identified on any roll pertaining to the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tonner

Acting Commissioner.

M.H.M. (W)

(C O P Y)

W. C. F.
PHE

DEPARTMENT OF THE INTERIOR,

D. C. 38506-1904. . WASHINGTON, October 6, 1904.

I. T. D. 8180-1904.

Y.P.

LRS.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

March 24, 1904, you transmitted the record in the matter of the application of James Vann for the enrollment of himself and his mother, Jennie Vann, as Cherokee freedmen, including your decision of March 5, 1904, rejecting said application.

Reporting in the matter September 27, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan.

1 inclosure.

Acting Secretary.

COPY.

Cherokee Freedmen
D--844

Muskogee, Indian Territory, October 25, 1904.

James Vann,

Nowata, Indian Territory,

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting the application for the enrollment of yourself and of your mother, Jennie Vann, as Cherokee Freedmen, was affirmed by the Secretary of the Interior on October 6, 1904.

Respectfully,

(SIGNED) *James Bixby*
Chairman.

COPY.

Cherokee freedmen
D--044

Muskogee, Indian Territory, October 25, 1904.

Bell, Hastings & Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory,

Gentlemen:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting the application for the enrollment of James Vann and his mother, Jennie Vann, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 6, 1904.

Respectfully,

SIGN: *James Dixby.*
Chairman.

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.

SS

In the matter of the application of

James Vann

for enrollment as a Cherokee Freedman.

No. F. D. *844*

Henry Pack of lawful age, being duly sworn on oath states that on the *18th* day of *September*, A. D., 1901, he registered to *James Vann* whose postoffice is *Nowata* Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at *Fort Gibson* Indian Territory; and that on the *27th* day of *September*, 1901, he received the return card which is hereto attached, signed by the said *James Vann*, showing that he had received said notice.

Subscribed and sworn to before me on this the *27th* day of *Sept*, A. D. 1901.

Henry Pack
J. C. Starr

Notary Public.

FD 844

80

No. D.....

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 1901

Given under my hand this
day of A. D. 1901.

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
..... day of, 1901.

.....
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT. }

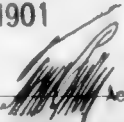
I do solemnly swear that I delivered a
true copy of the within notice to

.....
on the day of A.D. 1901

.....
Subscribed and sworn to before me
this day of A.D. 1901.

.....
Notary Public,
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 27 1901



Acting Chairman

NOTICE!

IN THE MATTER OF the application of James Vann Nowata
for enrollment as a Cherokee citizen:

Case No. D 844

To Nowata By Es James Vann Nowata I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Nowata, Indian Territory Indian Territory, on Oct. 8th at 8 o'clock A. M. from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 18 1901

L B Bell

Attorneys for the Cherokee Nation.

B

720 844

TO THE FIVE
BY THE
11-1-1907

CHEROKEE FREEDMEN.

Date *June 24, 1901*
Post Office *Nowata, Okla.*
District *600*

1. Name *James Van* Age *26*
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:
Father *John Bishop* Citizenship _____
Mother _____ Citizenship _____

2. Name of ~~mother~~ *Janie Van* Age *40*
Owner's name *Mrs. Archer* Citizenship *Cherokee*
Year _____ Page _____ No. _____ District _____

Parents:
Father _____ Citizenship _____
Mother _____ Citizenship _____

Names of Children: *Doubtful*

	Year	Page	No.	Dist.
3.				
4.	Year	Page	No.	Dist.
5.	Year	Page	No.	Dist.
6.	Year	Page	No.	Dist.
7.	Year	Page	No.	Dist.
8.	Year	Page	No.	Dist.
9.	Year	Page	No.	Dist.
10.	Year	Page	No.	Dist.
11.	Year	Page	No.	Dist.
12.	Year	Page	No.	Dist.

Application made by *Ms.!* Stenographer *A. E. Jones*

FILED
MAR 22 1902

[Handwritten signature]
ACTING DEPUTY

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

W. J. ...

... I. W.

...

...

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

RETURNED TO WRITER.
UNCLAIMED &

unknown

~~15 1904~~
~~10042~~

REGISTERED
SEP 20 1904
MUSKOGEE, IND. TER.



134

Cher. Fr. R. 755

Trans from C. Fr. D. 847

Cher. Fr. R. 755

DEPARTMENT OF THE ANTI-SLAVERY
 COMMISSION TO THE FIVE CIVIL STATES
FILED
 JUL 20 1901

Commissioner.

and that the same is a first and correct copy from the original.
 and that the same is a first and correct copy from the original.
 and that the same is a first and correct copy from the original.
 and that the same is a first and correct copy from the original.

and that the same is a first and correct copy from the original.
 and that the same is a first and correct copy from the original.

Commissioner.

File with Emma Brown, Doubtful Cherokee Freedman.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 8, 1901.

In the matter of the application of Chaney Ross for enrollment
as a Cherokee Freedman.

Appearances:

Mallette & Smith, attorneys for applicant;
J. S. Davenport, of counsel for Cherokee Nation.

CHANNEY ROSS, being duly sworn and examined by Commissioner
Breokinridge, testified as follows:

- Q Give me your name? A Chaney Ross.
Q How old are you? A I think I am about 48 or 49.
Q What is your postoffice? A Coffeyville, Kansas.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to apply for the enrollment of anybody besides your-
self? A Just myself, my children are of age.
Q Have you a husband? A I have had.
Q But you haven't now? A No, sir.
Q Then you only want to apply for yourself? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A I came back
in 1866, in the fall.
Q Have you lived here ever since? A No not ever since, I have
been out and in.
Q Were you a slave in the Cherokee Nation at the time the war
came on between the north and south? A Yes, sir.
Q To whom did you belong? A John Ross.
Q Was he a recognized citizen of the Cherokee Nation? A He was
the chief of the Cherokee Nation.
Q Old Chief John Ross? A Yes, sir.
Q Give me the name of your father? A My father was sold when I
was a year old, but Steve Looney is my stepfather.
Q Give me the name of your mother? A Peggy Ross was my mother,
but she is Steve Looney's wife now.
Q She is alive now, is she? A Yes, sir.
Q How many times have you been married? A Once.
Q To whom were you married? A Married to John Willis.
Q When were you married to John Willis? A About 30 years ago.
Q You say he is dead? A No, sir, he is alive.
Q Have you and he parted? A Yes, sir.
Q Have you resumed the name of Ross? A Yes, sir.
Q You don't go by the name of Willis now? A No, sir.
Q How long did you and John Willis live together? A We lived
together about six or seven years, the best I can recollect.
Q You have never remarried since you parted from John Willis?
A No, sir.
Q Are you on that 1860 roll? A I am on the Clifton roll.
Q You are not on the 1866 roll? A No, sir.
The 1880 authenticated roll of Cherokee Freedmen examined
and the applicant not identified thereon.
The 1896 census roll of Cherokee Freedmen examined, and the
applicant not identified thereon.
The Kern-Clifton roll examined, and the applicant identified
thereon, page 143, No. 3548, Cooweescoowee district.
The Wallace roll examined, and the applicant not identified
thereon.
Q You are not on the Wallace roll? A No, sir.
Q Now is there someone here who knows about your having been mar-
ried and being the child of Peggy Looney? A Yes, sir, Steve Looney
and Esau Fox.

STEVE LOONEY, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

- Q Give me your name? A Steve Looney.
Q What is your postoffice? A Coffeyville.
Q In what district do you live? A I live in Cooweescoowee district
Q Do you know the applicant here? A Yes, sir.
Q What kin is she to you? A She is my stepdaughter.
Q Is she the daughter of your wife Peggy by a former husband?
A Yes, sir.
Q When did you marry her daughter Peggy? A I had her before the war.
Q Was this child with you when you went out during the war?
A Yes, sir.
Q Did she come back with you when you came back from Kansas?
A Yes, sir.
Q Did she come back at the same time you brought her mother Peggy?
A Yes, sir.
Q Has this woman lived in the Cherokee Nation ever since she came back with you from Kansas? A She makes it her home here.
Q Well, she has been married, has she? A Yes, sir.
Q How many times? A Once that I know of.
Q What was the name of that husband? A I think it was Willis.
Q Has she parted from him? A Yes, sir.
Q Many years ago? A Yes, sir.
Q Has she ever married since that? A No, sir.
Q Does she now go by the name of Ross? A Yes, sir.
Q Was that her mother's name in old times? A Yes, sir, Peggy Ross.
Q And she had taken back the old name since she left that husband?
A Yes, sir.
Mr. Davenport: Where was this woman when the Wallace roll was made?
A She was here, right on the ground.

CHANEY ROSS, recalled, testified:

- Commissioner: Now you say you have lived in the Cherokee Nation since you came back after the war, off and on? A Yes, sir.
Q Well, was your husband, John Willis, a Cherokee Freedman, or a state man? A State man.
Q Where did you marry him? A On the Verdigris River.
Q Mr. Mellette: In the Cherokee Nation? A Yes, in the Cherokee Nation.
Commissioner: Where was he from? A I think he was from Tennessee.
Q Well, where have you lived except in the Cherokee Nation? A I have lived in -- I have worked in Fort Scott.
Q And where else? A And I have worked at Coffeyville after Coffeyville was a town.
Q When did you first work in Fort Scott? A I worked there I think about five years after we came down here, as near as I can recollect.
Q You went there to work five years after you came back, from Kansas?
A Yes, sir.
Q Well, who did you work for up there? A I worked for a man by the name of Col. Holly.
Q Well, how long did you work for him? A I stayed there I think about four months, three or four months.
Q Then what did you do? A I came back to the Nation.
Q Then what did you do? A Then I helped on the farm.
Q Well, tell me about what you have been doing? A I helped them clear up the farm.
Q How long did you stay there with them? A I stayed there, really I can't say how long, but I says I worked there with them, then after Coffeyville was built I went there and took washing for people.
Q Well, when did you go to Coffeyville? A After Coffeyville

was established.

Q Do you remember when that was? A No, sir, I don't.

Q Well, how long did you live up there? A Why I would go back and forward, because I go only eight miles from Coffeyville, seven or eight.

Q How many children have you? A Just the two.

Q Where were they born? A On the Verdigris River, in the Cherokee Nation at my mother's.

Q Have you lived in Coffeyville since you married? A I haven't lived there since my husband went back to his home.

Q Since you and he parted? A Yes, sir.

Q Have you ever gone back to Fort Scott to work? A I said I had went back once.

Q I am talking about since that time? A No, sir, I have been there to have my eyes treated.

Q Well, how long a stay have you made in Coffeyville? A I haven't made to say any stay, I think I have worked there about a month at a time.

Q Well, have you worked at any place except at those two places up in Kansas, Fort Scott and Coffeyville? A No, sir.

Q Have you ever been to Missouri? A I went up there to have a tumor taken from me.

Q You never made your home up there in any way? A No, sir, never did.

Q Why are you not on the roll of 1880? A I don't know.

Q Why are you not on the Wallace roll? A I can't say that.

Q Where were you when the roll of 1880 was made? A At Vinita.

Q In 1880, 20 years ago? A I was here in the Nation.

Q Well, have you any knowledge of applying for enrollment? A Yes, sir.

Q Why didn't they put you on? A I can't tell why they didn't put me on.

Q Did you ever apply to any court or to the Council at Tahlequah to be recognized as a citizen? A My stepfather went and he brought the news back they were only taking on the Indians, wasn't taking on the black folks at all.

Q Do you remember when that was? A No, sir.

Q Was that before you were married or after you were married?

Q It was after I was married, I think it was.

Q Soon after you were ~~separated~~ married? A I think it was, to my knowledge.

Q Did he go there to apply for you as well as other members of the family? A Well, he just called us in as the family.

Q He applied for the whole family, or he went there for that purpose?

A Yes, sir.

Q But you say that he didn't apply as a matter of fact? A I don't know, they told him it wasn't for the darkies at all, so said.

Mr. Mellette: Have you ever owned a place on the public domain of the Cherokee Nation? A No, sir, I have always made my home with my mother, I always lived with her, because I had a no count man and I never trusted myself with him.

Q You never stayed on a place of your own? A No, sir, and all the way he would establish a home for me was by me following him and I wouldn't do it.

Mr. Davenport: How old were you when the war broke out, do you know? A I was quite a little girl.

Q Can you remember it? A Something, not so very much.

Q Where were you living when you can first remember now distinctly about the world? A At Park Hill.

Q You were then a slave of Chief John Ross? A I was.

Q Did you go to Kansas with your mother during the war? A Yes, sir.

Q You remember to what point you went? A No, sir.

Q You don't remember whether you went to Fort Scott or not? A Yes, I went to Fort Scott.

Q How long did you live at Fort Scott before you changed your place of residence, or your mother, for you? A I didn't change my place, I have always made my mother's house my home.

Q When your mother left Fort Scott you came too? A Yes, sir.

Q And you came down with her? A Yes, sir, I did.

Q What was your father's name? A Why father was sold when I was a year old, so I was told, I don't know any father except Steve Looney.

Q Your right to be enrolled you claim is through your mother, Peggy Looney now? A Yes, sir.

Q And being owned by Chief John Ross at the breaking out of the war? A Yes, sir.

Q Do you know where Ross went during the war? A He went away somewhere.

Q Did he own other slaves except yourself and your mother, at the breaking out of the war? A Oh yes sir.

Q Where did they go: did they go with you? A No, sir, not all of them I don't know how many.

Q Did any of the rest of Chief John Ross' slaves go with you and your mother when you went to Kansas? A No, sir, not as I know of.

Q You have been living continuously up there at your mother's since you came back in '64? A I never testified that, I said I had been out and on.

Q How often have you been out? A Well I have been in Fort Scott twice since I lived down here, then after Coffeyville was established I have been up there.

Q Do you remember about when Coffeyville was established? A No, sir, I don't; I can't tell you when it was.

Q You don't remember when you removed to the Cherokee Nation, what year? A I came with my mother and stepfather right on that place.

Q Do you remember what year it was? A They say it was '66.

Q I ask you do you remember? A Yes, sir, in the fall of '66.

Q Now what year was it when Coffeyville was established you live in eight miles? A I can't tell you, it hasn't been so overly long.

Q Well, how long did you stay in Fort Scott when you went there, how many years? A About three or four months.

Q You worked there for Col. Holly three months? A Yes, sir.

Q Did you work for anybody else up there? A No, sir.

Q Have you ever worked in any other place in Kansas except Coffeyville and Fort Scott? A No, sir.

Commissioner: I understood you to testify a while ago, that you had only been to Fort Scott once since you returned from Kansas? A I said twice.

Q You did go back the second time to have your eyes treated?

A Yes, sir.

Commissioner: The applicant applies for the enrollment of herself alone, stating that she has separated from her husband, and that her children are of age, and also that her former husband is a state man. It appears from the testimony that at the time of the breaking out of the Civil war, she was a slave of Chief Ross of the Cherokee Nation, and that she was carried with her mother to the State of Kansas. Of her father she cannot give any information, but her mother is now known as Peggy Looney, she being the wife of Steve Looney, who is the applicant's stepfather. The applicant's temporary change of name does not affect her present status as she has resumed her maiden name since she parted from her husband. The fact of that marriage is established by satisfactory personal testimony. The applicant has been out of the Cherokee Nation somewhat since her first return from Kansas after the

Civil War, but the evidence does not indicate that it was in a way to impair my right that she might have possessed as a Cherokee Freedman. It is shown that she returned to the Cherokee Nation with her mother and step-father after the Civil War. The applicant will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and for further evidence in her case, there will be filed a copy of the testimony, Cherokee Doubtful Card D-519, the same setting forth the status of her mother, will be filed with the present testimony; that is the final determination in regard to the rights of the mother as respects her return from Kansas and her qualification under the treaty of 1866 will be equally true of the applicant. Her name is identified on the Kern-Clifton roll, but not upon any other, and she will now be listed for enrollment as a Cherokee Freedman on a doubtful card under the conditions stated, and the final decision of the Commission will be made known to her at her postoffice address.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, Bruce C. Jones,

Sworn to and subscribed before me this the 8th of June, 1901.

Signed, T. B. Needles,

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 5, 1901.

In the matter of the application of Steve Looney for the enrollment of himself, his wife, Peggy Looney, as Cherokee Freedman; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows: I. F. Bledsoe, Agent for Applicant.

- Q Give me your name? A Steve Looney.
Q What is your age? A 55 years of age.
Q What is your postoffice? A Coffeyville.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you want to apply for the enrollment of anybody besides yourself? A My wife. The children are all grown.
Q How long have you lived in the Cherokee Nation? A I was raised in the Cherokee Nation.
Q Have you lived here all your life except during the war? A Yes sir, all my life, except when I went out the time of the war.
Q Give me the name of your father? A My father was named Squal-das-ic, a Cherokee name.
Q Is your father dead? A Yes, sir.
Q How long has he been dead? A I don't know how long; he died when I was a small boy.
Q Give me the name of your mother? A We all belonged to the same person. My mother, I heard since she enrolled, she enrolled by her young mistress; she was staying with her when the war broke out.
Q Give me her present name? A Julia Battlingbird.
Q She is alive now, is she? A No, sir, she is dead.
Q How long has she been dead? A Going on three years, I think.
Q Was she a Cherokee Freedman? A Yes sir.
Q To whom did you belong at the time the war broke out? A I belonged to Betay L...

Q Was she a redognized citizen of the Cherokee Nation? A Yes sir.
Q Well, did you go to Kansas during the war? A Yes, sir.
Q What time did you come back? A I come back in the fall of '66.
Q When did you first hear of the treaty of 1866? A It must have
been about a year.
Q A year what? A When I first heard about it.
Q About a year before you came back? A Yes sir.
Q How long was it after the treaty had passed; had you heard that
the treaty had passed? A I heard that they had made a treaty and
we fixed up and got ready and come as soon as we could.
Q And about a year after that you came? A Yes sir.
Q Who all came with you? A Tobe Looney, old man Murrell.
Q Murrell who? A Nelson Murrell.
Q Who else? A Beau Fox.
Q Who else? A Joe Ross.
Q Who else? A Jacob Ross.
Q Who else? A Posie Gibson.
Q Did these people come along and bring their families? A Yes, sir.
Q You all made up a sort of a party together? A Yes sir, they
come together.
Q Where did you come? A We come to Verdigris.
Q Near what point? A Near Gooseneck Bend.
Q Who was all living in the neighborhood when you got there?
A There wasn't anybody living there.
Q Hadn't some people come there and put up some cabins when you
got there? A I think old man Nelson Murrell had a cabin when we
got there.
Q You said he came with you? A He come with us, but I think he
was here before and went back.
Q Who else then? A That is all I know of.
Q That is all you remember now? A Yes sir.
Q Give me the name of your wife? A Peggy Ross - Peggy Looney now.
Q How old is your wife? A She must be somewhere near about 68
years old.
Q When were you and she married? A We have been living together
since before the war.
Q Is she the first woman you ever lived with as husband and wife?
A Yes, sir.
Q Are you the first man she ever lived with as husband and wife?
A She lived with a man before.
Q Does your wife claim to be a Cherokee Freedman of her own right?
A Yes, sir.
Q Have you and wife your wife any children of your own? A No sir.
Q Has she any children of her former marriage? A Yes sir.
Q They are all the children of the man she lived with before
the war? A Yes, sir, she had two.
Q Two living now? A Yes, sir.
Q To whom did your wife belong? A She belonged to Chief Ross.
Q Was she his slave at the time the war broke out? A Yes sir.
Q What was the name of the man your wife lived with before the
war? A I don't know she lived with anybody but him.
Q Npt who? A Chief Ross you mean?
Q You told me your wife had been married before the war? A I
don't know who he was; I was quite young then - I don't know.
Q Is he dead or do you know anything about him? A I don't know
anything about him.
Q That was back in slavery time? A Yes sir.
Q Well, did your wife come with you when you came back from
Kansas? A Yes, sir.
Q You and she came the same time? A Yes sir, I brought her
with me.
Q Did you once go to Tahlequah and apply for admission to the

Cherokee Court? A Yes sir.

Q To try and get your right as a Cherokee Freedman? A Yes sir.

Q When was that? A I couldn't tell you just how long; I never kept no count.

Q Was it as far back as '70 or '71? A It was when Chief Bushyhead was Chief. He was Chief then.

Q Did you appear before the court? A No, sir, I didn't go before the court; I just went to him.

Q And did you have a talk with him? A Yes, sir, I had a talk with him.

Q Was that out doors or in the court room? A Out doors - outside of the court-house.

Q What did you go, go back home? A He told us to go back home and work; that we were all right. He said this Court wasn't set for us.

Q What court was that? A They said that was the North Carolina Court for North Carolina Indians. There was a large number there that claimed to be Indians.

Q You never applied to any court? A No, sir.

The 1880 authenticated roll and the 1896 census roll examined and the names of the applicant not found thereon.

Q Did you draw Cherokee Strip money? A I drew on the Wallace payment and on the Kerns payment.

The Kerns Clifton Roll examined and the names of the applicants are found thereon as follows:

Page 142, No. 3526, Stephen Looney, Cooweescoowee Dist.;

Page 142, No. 3537, Peggy Looney, Cooweescoowee Dist.

The Wallace Roll examined and the names of the applicants are found thereon as follows:

Page 121, No. 2545, Steve Looney, Cooweescoowee Dist.

Page 121, No. 2546, Peggy Looney, Cooweescoowee Dist.

Mr. Bledsoe: I have some certificates here.

Commissioner: The applicant presents a certificate under the signature and seal of the Clerk of Cooweescoowee District, and under date of September 1, 1893, authorizing him to employ a laborer in the Cherokee Nation, and also two certificates for the year 1895 from the Clerk of Cooweescoowee District to the same effect, and these are filed herewith.

J. S. Davenport: The representatives of the Cherokee Nation protest against the introduction and use of the said certificates as evidence for the reason that it does not tend to prove or disprove any facts material in this case, and that the Clerk of Cooweescoowee District violated the law in issuing permits to one who is not a recognized citizen, and it does not tend to establish that the applicant had complied with the treaty of 1866.

Mr. Bledsoe: Have you always been recognized as a citizen of the Cherokee Nation? A That is what they call me.

Q There never has been any objection to your citizenship that you know of? A I have never been objected that I know of.

Q Did you ever vote? A Yes, sir, every time I voted.

J. S. Davenport: If you always have been recognized as a citizen why are you here applying? A Of course, I was here all the time.

Q You have known for years that you weren't a recognized citizen?

A I was always called doubtful. They gave me permits and recognized me.

Q You know you were doubtful - your place was advertised to be sold as an intruder's place? A Yes sir, they didn't sell it.

Q It was advertised for sale? A Yes, sir.

Q You didn't apply to any of the courts at Tahlequah? A I told you we got information from the Chief.

Q I asked you did you or did you not apply? A I told you I didn't

Q Now you came back to the Nation you say with Nelson Murrell?

A Yes.

Q Did you testify before the Kerns Clifton Commission? A Well, yes, I guess I did.

Q If in giving your testimony before that Commission, I will ask if you didn't testify in substance as follows: "I came back to the Cherokee Nation before Nelson Murrell came to this country?" A I don't recollect anything about that at all.

Q Well, did you testify in substance anything about when you came or when Nelson Murrell came? A No, sir, I don't think I ever said that.

Q Do you know Randolph Wells? A I have seen him.

Q Alex Conner? A Yes, sir.

Q Were they living up there when you came? A They were not.

Q Where did you first come to from Kansas to the Cherokee Nation? A On Verdigris.

Q Was there any place you went to that you can name, any farm or improvement? A No, sir, there wasn't any.

Q No farm or improvement in that country? A There was no farm at all.

Q Now you say your wife, Peggy, belonged to Chief Ross? A Yes sir.

Q John or Bill? A John, Chief Ross.

Q Where was she living at the breaking out of the war? A Park Hill.

Q Was she living with Chief Ross at that time? A She was.

Q ~~XXXXXXXXXXXX~~ Where were you living the time the war broke out? A I was living on Illinois River close to Oak Springs.

Q Your wife didn't go north with the other slaves of Chief Ross? A She went with me.

Q Were you married at that time? A No, sir.

Q How old were you at the breaking out of the war? A I couldn't tell you.

Q How old was your wife? A I couldn't tell you that; she was the mother of these children that is here now.

Q And your wife went with you to what point in Kansas? A To Fort Scott.

Q Did any of the rest of the slaves of Chief Ross go with you? A No, sir.

Q You and your wife weren't married then at that time? A No, sir, we were living together then.

Q Your wife returned with you did she? A Yes sir.

Q That was about a year after you heard of the treaty being made? A Yes, sir.

NELSON MURRELL, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Nelson Murrell.

Q How old are you? A 77, soon will be.

Q What is your postoffice? A Coffeyville.

Q How long do you claim to have lived in the Cherokee Nation? A All my life.

Q Were you out during the war? A Yes, sir.

Q Do you know the applicant here, Steve Looney? A Yes sir.

Q How long have you known him? A About 43 years if my memory serves me right.

Q Was he a slave in the Cherokee Nation at the time the war broke out? A Yes, sir.

Q To whom did he belong? A He belonged to Betty Looney.

Q Did you know him up in Kansas during the war? A Yes, sir.

Q Did you come back with him? A Yes sir.

Q When you came back from Kansas? A He come back with me.

Q Was that the first time you came to the Cherokee Nation after the war? A No, sir.

Q When had you been to the Cherokee Nation before that visit? A I

Q You don't mean February '75? A No, sir, I mean February '65; I made a mistake.

Q Where did you come the first time? A I come up on the Verdigris

Q Is that where you are living now? A Close by where I am living now.

Q Did you make any improvement when you came at that time? A Yes sir, I built a cabin.

Q Had the war been declared over? A Yes, sir.

Q Did you wait until you heard the army had all surrendered and the fighting was stopped? A Yes sir.

Q Well, how long did you stay in the Cherokee Nation that visit? A Well, I stayed about three weeks, I guess, and maybe four at that time.

Q And what did you go? A Well, I peddled out some flour.

Q Where did you go after this visit? A I went back to Kansas.

Q When did you come back the next time? A I came back the next time in July.

Q Of the same year? A Yes, sir.

Q What did you do then? A Pyt up some hay.

Q How long did you stay that time? A I stayed about one month, nearabout one month; somewhere along there.

Q And then where did you go? A I went back to Bourbon County, Kansas.

Q And when did you come to the Cherokee Nation again? A Back in the fall.

Q In the fall of the same year? A Yes, sir

Q How long did you stay then? A I stayed then all the time. I brought my family and effects all at that time.

Q That was the time you brought your family and effects? A Yes, sir.

Q Who came with you at that time? A This man here, Steve Looney.

Q Did his wife come along with him? A Yes sir.

Q Was that the first time they had come down? A No, he had been down once before, this man, to my knowledge.

Q How do you know he had been down before? A Because he had been in my neighborhood.

Q When had he been down before? A Well, he came down about the same time in July when I was down.

Q What did he go down here? A Come and picked his claim out.

Q What improvement did he make? A He stuck up some poles on his place where he had expected to come to.

Q And what else? A They didn't do much else that time.

Q How long did he stay? A He stayed maybe one month.

Q What did he do then? A He went back to Kansas.

Q Where were you when you first heard of the treaty of '66? A I was up in Bourbon County, Kansas.

Q Where were your family at that time? A Up there with me.

Q Had you brought your family to the Cherokee Nation before you heard of that treaty? A No, sir.

Q How long after you heard of that treaty before you brought your family? A I brought them down in the fall of 1866; that was when I brought them.

Q Did this man and his wife come with you when you brought your family? A Yes, sir, when I brought my family he come with me then.

Q Come along together? A Yes sir.

Q What improvements were in the country at the time you brought your family? A There were some cabins scattered about in a few places; some few houses.

Q What houses were in the neighborhood where you and he settled, did you and he settle in the same neighborhood? A He settled about four miles from me.

Q What cabins were in that neighborhood? A There weren't any not when I brought my family.

- Q There wasn't any in where he settled down in his settlement?
A He was the first settler on that side of the river.
Q Were there some in your settlement? A Yes sir.
By I. P. Bledsoe: Do you know when the treaty was made, Nelson?
A Yes, sir.
Q When? A No, I don't know exactly when it was made: I can't tell that.
Q Then if Steve Looney states that it was a year after the treaty was made that he came back here he is mistaken in the dates, aint he?
A Yes, sir.
Q He came with you in the fall of '66, did he? A Yes sir.
Q You are positive of that? A Yes sir.
Commissioner: Who came the same time that you brought your family?
A Steve Looney, Tobe Looney, Jacob Ross, Esau Fox, Posie Gibson.
Q Did Joe Ross come? A Joe Ross come with me the first time.
Q Did he bring his family the same time you brought yours? A Yes sir.
Q The same time Steve Looney brought his? A Yes sir.
Q Anybody else? A That is all I can remember.
Q They came that time? A There may be others, but I can't remember.
By I. P. Bledsoe: Was Dave Ross along? A Yes, sir.
Commissioner: Did Dave Ross come too? A Yes, sir.
Q Who did he come with? A Steve Looney.
I. P. Bledsoe: Do you know Dave Ross' wife? A I know of her; I am not acquainted with her.
Q Was she along in the crowd with Steve Looney? A Yes sir.
J. E. Davenport: Nelson, you are the same Nelson Murrell that testified the other day in the Amos Adair case? A Yes, sir.
Q You are one of a committee of the claimants to look after and get up evidence and present to the commission in their cases, are you? A No, sir, I don't recollect that we did; I am a member of the organization.
Q That is what I am asking you about? A Yes sir.
Q You are a member of it now? A Yes sir.
Q You came back with Steve, you say? A Yes sir.
Q And you don't know when that was except that you claim it was '66? A Yes, sir.
Q Do you know where Steve was living when the war broke out?
A Yes sir.
Q Where was he living? A On Mill Creek, Bourbon County.
Q When the war broke out? A At Park Hill.
Q How far were you living from Steve? A About five miles.
Q How far were you living from his wife? A Peggy Looney; about one mile.
Q You were living on the old Murrell place and she was living on the old Ross place about three hundred yards apart? A About one mile apart.
Q And she went to Kansas with Steve instead of going with Ross. Shd she go with Ross or with Steve to Kansas? A I don't recollect; it seems she went with Steve.
Q You went along too didn't you? A No, I didn't go with them.
Q When did you next see Peggy after the war broke out? A In Fort Scott, Kansas.
Q She went with Steve then? A Yes, sir.
Q When you first came down you were peddling flour when you first come down— who were you selling flour to? A I was selling it to Osage Indians.
Q And you come back the next year to make hay? A Yes sir.
Q And did you cut it? A I made it with Armstrong.
Q You cut up your hay and left it and went back to Kansas?
A Yes sir.
Q And then come back that fall? A Yes sir.
Q Were there any roads through that portion of the country then?

- A No sir, there was what they called the west traily road.
Q Where did it lead to? A To the Osage Nation, and down to
Chatopa: that was on the traily road.
Q Was Chatopa there at that time? A No, sir.
Q Then it didn't lead to Chatopa? A It lead to there - one road
did.
Q You quit the main military road that led from Fort Scott to
the Cherokee Nation and went in the west part of the Osage Nation?
A Yes sir.
Q Was that in the Cherokee Nation at that time, or part of the
Osage Nation? A Part of the Osage Nation.
Q Goose-neck country was part of the Osage Nation? A No sir.
Q Did it belong to the Cherokee Nation or Osage Nation? A It
belonged to the Cherokee Nation: Osages were only camping there.
Q Was that before the Osage war? A Did they have a war?
Q Don't you remember when they had a war with the Cherokees?
A That was a long time at Claremore.
Q I believe you said you belonged to George Murrell? A Yes, sir,
I belonged to George Murrell.

The applicant applies for the enrollment of himself and wife. The applicant is identified on the Wallace roll and the Kern-Clifton Roll, but not upon the roll of 1880 or that of 1896. It appears that he was a slave of a Cherokee citizen at the time the war broke out, and that he has lived in the Cherokee Nation all his life except during the period of the war, and somewhat indefinite period thereafter, when he was in the State of Kansas. He claims to have returned to the Cherokee Nation in the fall of 1866, but states, as he has stated several times as a witness in other cases, that he came back to the Cherokee Nation about a year after he heard of the treaty of 1866. The witness in this case, Nelson Murrell, affirms that the applicant had been to the Cherokee Nation once prior to the time when he and the applicant and the applicant's wife, along with other persons mentioned, moved permanently to the nation, and the testimony should be examined to see if this is inconsistent with the statement of the applicant himself. For the further consideration of the testimony, giving the applicant the benefits at this time of any doubts that may exist, he will be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decision of the Commission will be made known to him at his postoffice address. The applicant claims that his wife is a Cherokee Freedman of her own right; she is identified on the Wallace Roll and the Kern-Clifton Roll, but not upon the roll of 1880 or that of 1896. She is not 68 years of age, and the applicant is 58 years of age. The testimony shows that she and the applicant returned to the Cherokee Nation at the same time from the State of Kansas. She was evidently a Cherokee slave at the time the Civil War broke out. She will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decision of the Commission will be made known to her at her postoffice address.

It is ordered that the testimony of Nelson Murrell taken in this case be filed in the cases of Tobe Looney, B-512, and Dave Ross, B-513.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Signed, Y. G. Rothenberger.

Subscribed and sworn to before me this 7th day of June, 1901.
Signed, C. R. Braekinridge,
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 19, 1901.

In the matter of the application of Steve Looney for the enrollment of herself et al. as Cherokee Freedman.

Order.

The testimony of Frances Patterson, taken this day in the matter of the application of Rufus Ross for enrollment as a Cherokee Freedman will be made part of the record in the application of Tobe Looney et al. and Steve Looney et al., who have been listed for enrollment on Doubtful cards 518 and 519 respectively. A copy of the testimony of said Patterson will be made part of the record in the cases of Steve Looney and Tobe Looney.

By order of the Commission.

Signed, T. B. Needles,
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 19, 1901.

In the matter of the application of Rufus Ross for enrollment as a Cherokee Freedman.

Appearances:

I. F. Bledsoe, agent for applicant;
J. S. Davenport, Cherokee attorney.

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FRANCIS PATTERSON, being duly sworn by Commissioner Needles, testified as follows:

Mr. Bledsoe: What is your name? A Frances Patterson.

Q ABOUT HOW old are you? A About 40.

Q What is your postoffice? A My postoffice is here at Nowata now

Q Do you know Rufus Ross, the applicant here? A Yes, sir, I knew the children.

Q Do you know who his father and mother were? A Dave Ross was his father.

Q Who was his mother? A I never could tell his mother's name.

Q Nancy Ross, do you think? (No response)

Q Do you know where he has lived? A No, sir, when I seen him he was with their grandmother, Peggy Ross.

Q Whereabouts? A Down on the River.

Q Cherokee Nation? A Yes, sir.

Q When did you see this child? A Well, it was in 1880.

Q About about 1880? A Yes, sir.

Q You don't know anything about where he lived up to that time?

A Yes, sir.

Q You don't know where they or their people were located when they were born? A I can't know where his grandmother lived.

Q I am speaking about where his mother lived when he was born?

A No, sir, I don't know anything about her until I saw them out at my brother's house.

Q How far did they live from you? A I guess it is about 10

miles; I lived on Cabin Creek and they lived on Verdigris.

Q Is he a married man? A No, sir, not as I know of.

Q Does he live with his grandmother yet? A Yes, sir, when I saw him he was there.

Q How long since you were up in that country there? A I was up there last year; my brother lives there.

Q Do you know where they get their mail? A At that little station, I can't call the name of it, there on Possum Creek I guess.

Q They don't live in Coffeyville then? A No, sir, their mother lives out there close to my brother's house on the hill.

Mr. Bledsoe: Do you know when Dave and his mother came to this country? A No, sir.

Q You don't know when he came back? A No, sir, I don't know when he came back here, but I know when they started from there.

Q From where? A Fort Scott.

Q When was that? A It was a little after the '66 treaty.

Q And they started from there to do what? A To come to the Nation.

Q You came down to the Nation yourself, didn't you? A Yes, sir.

Q When, what time? A Just after the treaty was made.

Q These people then started from Fort Scott as I understand you to come to the Nation at the same time you did? A Yes, sir, we came down here on Grand River and they went a nearer place.

Q And Dave Ross, father of this boy, was in the crowd? A All of them was together.

Q What do you mean by all of them? A My brother Steve, he was a Looney, then, his mistress he named Eliza Looney, she owned us all.

Q Who else was in that crowd, besides Steve Looney and you, and Dave, was Tobe Looney in the crowd? A Uncle Tobe Looney and Steve and Peter Williams, and they all split up and we went around by Vinita and they came on around this way, and I took a place on Cabin Creek.

Mr. Davenport: Did you come by Chetopa as you came from Fort Scott to the Cherokee Nation? A Yes, sir.

Q What size place was Chetopa then? A It was a small place, there was a lot of Cherokees there then.

Q Was the railroad running there then? A No, sir, it wasn't.

Mr. Bledsoe: Do you know Mrs. Campbell; has Tobe got a daughter named Campbell, Tobe Looney got a daughter named Millie Campbell?

A Yes, sir.

Q Do you know whether she is on the 1880 roll or not?

A I don't know.

Mr. Davenport: At the time this boy's father started from Fort Scott, is that the time they had this killing over here near Vinita?

A He wasn't killed when we were at Vinita, they came around by Fort Scott and we came this way.

Q Was that before or after the Horse Creek killing that you started back to the Territory? A No; I had been here a good while before that.

Q How long had you been here? A I can't tell you.

Q Are you on the 1880 roll? A Yes, sir, I am on the 1880 roll, I drew with you Cherokees, you know it.

Q You think you have as much right to be on the roll and draw money then as I have? A Well you put us there, you Cherokees.

.....

Bruce C. Jones, being duly sworn, says that as stenographer of the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereon.

Signed, Bruce C. Jones,

Sworn to and subscribed before me this 27th day of June, 1901.

W. A. Randles,

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Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 24, 1901.

In the matter of the application of Emma Brown for the enrollment of herself and one child as Cherokee Freedmen.

Emma Brown, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Emma Brown.
Q How old are you? A 26.
Q What is your post office? A Coffeyville.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to enroll anybody but yourself? A Yes, sir, I have one boy.
Q What is his name? A Steve Wells.
Q How old is Steve? A 10 years old.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Israel Brown.
Q Is he a citizen? A Yes, sir.
Q Is your name on the roll of 1880? A No, sir.
Q What is your father's name? A John Willia.
Q Is he living? A I don't know whether he is or not.
Q What is your mother's name? A Chaney Ross.
Q Is she living? A Yes, sir.
Q Were you ever married before you married Israel Brown? A No, sir.
Q Was he ever married before he married you? A No, sir.
Q Steve Wells was born before you married, was he? A Yes, sir.
Q Steve is your child? A Yes, sir.
Q Is your name on any of the rolls of the Cherokee Nation? A Yes, sir, Kern and Clifton roll.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Kern-Clifton roll examined and the applicants identified thereon as follows:

Emma Brown on page 145, No. 3547, Cooweescoowee district, as Emma Wells.

- Q Where were you born? A In Cooweescoowee district.
Q Did you draw for this boy? A Yes, sir.
Q Steve Wells on page 145, No. 3550, Cooweescoowee district.
Q Is Steve living? A Yes, sir.
Q Who is Maggie Wells? A That is my sister.
Q Is Steve living now? A Yes, sir.
Q Steve Maggie's child? A No, sir, it is my child.
Q Were you born in the Cherokee Nation? A Yes, sir.
Q Always lived in the Cherokee Nation all your life? A Yes, sir.
Q Living here now? A Yes, sir.
Q You are the daughter of Chaney Ross? A Yes, sir.
Q Mr. W.V. Hastings, Cherokee attorney: How old are you? A 26.
Q What is your postoffice now? A Coffeyville.
Q How long have you lived in town? A No, sir, Cooweescoowee district.
Q On this side of the line? A Yes, sir.
Q How long have you lived right there? A Ever since I can remember.
Q You ever lived in Kansas? A No, sir.

Commissioner: Emma Brown applies for the enrollment of herself and her child Steve Wells. She cannot be identified upon any of the rolls of the Cherokee Nation now in the pos-

Emma Brown - 2.

session of the Commission except the Kern-Clifton roll. She and her child Steve are duly identified upon the said roll as indicated in the testimony. She swears that she is now married to one Israel Brown, that she is the daughter of Chaney Ross, by her father John Wells. She is duly identified upon the Kern-Clifton roll as Emma Wells. Her mother, Chaney Ross, is listed for enrollment upon D card 547, and the testimony in said case will be made part of the record in the case at bar and a copy thereof filed herewith. She makes satisfactory proof of residence, consequently Emma Brown and her child Steve Wells will be listed for enrollment as Charakse Freedman on a doubtful card.

Mr. Hatings: You never married to the father of Steve Wells?

A No, sir.

Q Ever live with him as husband and wife? A Yes, sir.

Q How long? A A year.

Q Where did you live with? A At my grandmothers in Coos-weascoowae district.

Q Have you any children by Israel Brown? A No, sir, not any.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 2nd of July, 1901.

C. R. McKinstry

Commissioner

Wife with Cherokee Freedman 2-267, Sam Brown.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 15, 1901.

In the matter of the application of Steve Looney et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

I. F. Bledsoe, Agent for the applicants;
J. S. Davenport, of counsel for Cherokee Nation.

ROBERT MEIGS, being duly sworn by Commissioner Needler, testified as follows:

Q Mr. Davenport— what is your name? A Robert Meigs.
Q Where do you live, Mr. Meigs? A I live at Tahlequah District, Park Hill.

Q How old are you? A 26 next birthday.
Q Where were you at the close of the war? A When peace was made I was in Pennsylvania.

Q When did you return to the Cherokee Nation? A In the fall of 1886.

Q Do you know Steve Looney, a colored man? A Yes, sir, I know one Steve Looney.

Q Do you know his wife? A The Steve that I know, his wife was named Peggy Ross.

Q Well, did you ever know her by any other name? A Peggy, just Peggy.

Q Well, do you know any of his children? A I don't know Steve's children, I know Peggy's children.

Q Do you know any of their names? A Yes, sir.

Q What were their names? A The oldest one was a son, his name was David, and the girl next to him, I think her name was Chaney, and then there was a smaller one whose name was Tonette, they called her Nettie.

Q Well, did you see Steve's wife and family after the war?

A Yes, sir.

Q When did you see them? A I don't remember exactly, but it was either '79 or '70.

Q You mean '69 or '70? A '69 or '70.

Q Where did you see them? A They were at Fort Scott.

Q Fort Scott where? A Kansas.

Q Were you up there, and what were the circumstances of your seeing them? A Why I moved a family, Mr. Ross, up there so that he could get to the railroad, he was going east, to Pennsylvania or Delaware or somewhere out east there, his people was out there, and when I got up there to Fort Scott why I know some of the people I met up there, colored people, and they told me of Peggy being there and I went and seen her.

Q You had known her before the war, had you? A Yes, sir.

Q To whom did you say she belonged before the war? A She belonged to grandfather, John Ross.

Q Well now what Ross was it you were moving out there? A It was John Ross, Jr., we called him Hager and John.

Mr. Bledsoe: You don't know that she was born in '35 do you, Peggy, 1867? A Not only she told me, what I got from her.

Q What was that? A It was her mother or her grandmother's name that time.

Q She belonged to your people, did she, and belonged to her mother?

A By grandfather.

Q Was she a slave at the breaking out of the war of the rebellion?

A Yes, sir, her mother was grandfather's slave too.

Commissioner: This testimony will be made part of the record in the case of D. Carl ...

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me September 7th, 1901.

[Signature]

Commissioner.

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Commissioner

Appointed and served as Police for the City of New York, 1905

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THE CHAIRMAN

Appointed as a Police Officer and assigned to duty in the City of New York, 1905. He was assigned to duty in the City of New York, 1905.

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THE CHAIRMAN

Appointed as a Police Officer and assigned to duty in the City of New York, 1905. He was assigned to duty in the City of New York, 1905. He was assigned to duty in the City of New York, 1905.

File with 650 847

Supl. C.T.D. #547.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 17, 1902.

EXPIRIMENTAL TESTIMONY in the matter of the enrollment of
CHANEY ROSS as a Cherokee Indian:

Appearances:

Mr. Smith, of Counsel for Applicant;
Mr. Hastings, of Counsel for Cherokee Nation.

JAMES BRYDEN, being duly sworn, testified as follows on
part of the Cherokee Nation:

Examination by Mr. Hastings:

- Q What is your name? A James Bryden.
Q Where do you live, Mr. Bryden? A Fort Scott.
Q How long have you lived there? A About 20 or 21 years.
Q Did you ever know a colored woman up there by the name of Chaney
Ross? A Yes, sir; used to call her Chaney Bell, but Chaney Ross
was her name; she married a fellow by the name of Bell once.
Q Did you know any of her people, brothers or sisters? A I knew
Dave Ross.
Q Dave a brother of hers? A Yes, sir.
Q Did you know her mother? A I have seen her; I wasn't acquainted
with her.
Q About when did you get acquainted with Chaney and Dave, I will
put them together? A In Fort Scott.
Q About when? A In about '81 or '2.
Q How long did you continue to know them up there? A Well up
until about 1896.
Q Well, did you know them all the time from 1885 up until 1895 or
6? A Yes; Dave wasn't there all the time.
Q How often did you see Chaney? A She lived there all the time;
she owned a house there and lived there.
Q Was Dave married? A Yes, sir.
Q Had a family? A Yes, sir.
Q Did he own any property there? A Yes.
Q Who did Dave work for? A Stadden Grocery Company, working for
them all the time.

MR. SMITH:

- Q What did you say your name was? A James Bryden.
Q Mr. Bryden, how many times have you appeared before the Commission
as a witness? A Once before.
Q Where? A Up at Vinita.
Q Did you appear at Vinita twice? A No, sir.
Q Well, is this your second or third trip down here? A Second
trip.
Q Now, when did you go to Kadoka? A Come to Kansas?
Q Yes. A In '80 or '81, I could not be certain.
Q What kind of work did Chaney Ross do; you spoke about Dave
working for somebody there, didn't Chaney Ross work?
A She kept house most part of the time for herself. She worked
around used to do washing.
Q Do you know whether she was hired to anybody there to do anything?
A I don't know.
Q Well, now, how long do you say that you knew her? A Well 14
or 15 years that I know her.

- Q Commencing about '81? A Yes, sir; but I have seen her since; seen her within the last three or four years.
- Q Were you subpoenaed to testify in her case when you went to Vinita? A No, sir.
- Q What case were you testifying in then? A Dave Ross'.
- Q Well, you say Dave is her brother? A Yes, sir.
- Q Did you know as much about Chaney then as you know now? A I expect I did.
- Q Why didn't you tell it? A I know I did.
- Q You know you did? A Yes, sir.
- Q Why didn't you testify? A I wasn't asked to; I didn't hunt the job.
- Q What do you do when you are at home? A I am Constable; have been for ten years.
- Q Are now? A Yes, sir.
- Q Constable of the township you live in? A City.
- Q Well, it is township? A Yes, township and City.
- Q Well, have you told now all you know about Chaney Ross and Dave?
- A Told all they asked me; told all I think of about it; I know them well.

Commission: This testimony will be made a part of and filed in the following Cherokee Freedmen cases: D.#519., D.#847, and D.#936.

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J. G. Rogson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this February 24, 1902.



Commissioner.

WILLIAM BROWN

Specified and known to persons in the same sex or adult, 1900.

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that the foregoing is a true and complete transcript of his statement
made in full for testimony and proceedings in the above case. The
statement is to be compared to the original and the original is to be
retained in the original file and the original is to be retained in the
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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 22, 1908.

In the matter of the application of Emma McAfee et al for enrollment as Cherokee Freedmen, F. D. 173.

Applicants represented by A. S. Moran, Muskogee, I.T.
Cherokee Nation represented by James S. Davenport.

COMMISSION: The representative of the Cherokee Nation makes satisfactory proof of service that testimony would be introduced in behalf of the Cherokee Nation on the 22nd day of April, 1908, at the office of the Commission at Muskogee, Indian Territory.

ELIZABETH DRUM, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Elizabeth Drum.

Q Where do you live, Mrs. Drum? A I live near Illinois Station,

Q Cherokee Nation? A In Illinois District, Yes, sir.

Q How old are you? A I couldn't tell you just exactly my age, I don't know; I'm over 70 though.

Q Was you born and raised in the Cherokee Nation? A Yes, sir.

Q Near what place were you raised? A I was born back in the old country.

Q Did you know Ocie Brown during his lifetime who was a Cherokee man? A Yes, sir, I knew Ocie Brown.

Q Do you know whether or not he was living when the Civil War broke out? A He wasn't living, he was dead.

Q Where had he been making his home prior to his death, Mrs. Drum? A Well, he made his home in Canadian and in the Choctaw Nation.

Q Choctaw Nation? A Yes, sir.

Q Did you know his son Richard Brown? A Yes, sir.

Q Was he living or was he dead at the breaking out of the war?

A He was killed.

Q Where was he at the time he was killed, if you know? A He was in the Choctaw Nation somewhere.

Q Did he have a home down there at that time? A Yes, sir, I think so; he married over there.

Q Had married a Choctaw? A Yes, sir, married a Choctaw.

MR. MORAN: I understood you to say, Mrs. Drum, that Mr. Richard Brown was a native Cherokee Indian, wasn't he? A He was Cherokee, yes, sir, he was Cherokee.

Q And he was only an adopted citizen if he was a citizen at all of the Choctaw Nation, he was adopted? A I don't know; he was married over there.

Q Well, do you know— A I don't know but what he was part Choctaw himself, I don't know about that; he was Ocie's son, I know that; but I don't know his mother.

Q Well now what was Mr. Ocie Brown's nationality, what was his blood? A Cherokee.

Q Then his son Richard would be Cherokee also would he not? A Yes, sir.

Q Did Mr. Richard Brown ever live in the Cherokee Nation, Mrs. Drum?

A I don't know; I don't know; I don't believe his son ever did, I don't remember; I guess he did when he was a child.

Q Did you know any of the slaves belonging to the estate of Ocie Brown? A No, sir.

Q Wasn't acquainted with any of the slaves? A No, sir.

Q Did you know the mother of Richard Brown? A No, sir, I didn't know her.

Q Did Ocie Brown or his son ever live in the Cherokee Nation, Indian Territory? A Yes, sir, a long time ago.

Q When did he die? A Ocie Brown?

Q Yes. A Well, about four or five years before the war.

Q I say where did he die? A Over the line I think in the Choctaw Nation somewhere.

Q Now I understood you to say a while ago that he lived, Richard Brown lived part of the time in the Cherokee Nation and part of the time in the Choctaw Nation? A I said maybe when he was a child he might have been in the Nation here.

Q That is Richard Brown? A Yes, sir, Ocie's son. I know he lived in the Choctaw Nation all his life pretty near ever since he got grown man.

Q Did he have any slaves, Richard? A I don't know, I guess they did, a few, two or three.

LEWIS T. BROWN: Did Ocie Brown own any slaves? A Well, I said I guess he did.

Q You don't know any of their names, do you? A No, sir. I don't remember the darkies' names, I know Mr. Brown's son.

Q Was Ocie Brown's wife a citizen of the Choctaw Nation at the beginning of the war? A Ocie Brown's?

Q Yes. A She was a Cherokee lady.

Q Was Ocie Brown's citizenship Choctaw? A Well, I don't know; he lived over there.

Q Well, Richard Brown's wife was a Choctaw, wasn't she? A Yes, sir.

MR. MOREA: Well you just stated that Ocie Brown's wife was a Cherokee, the mother of Richard Brown, she was a Cherokee? A She wasn't his mother.

Q She wasn't the mother of Richard Brown? A No, sir, Betsy just had one child, a boy, and he's dead now I guess.

Q Well, did you know the mother of Richard Brown? A I told you I didn't know her.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-511, D-512, D-520, D-521, D-524, D-547, D-514, D-516, D-517, D-515, D-19, and D-175, being the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 25th day of April, 1902.

J. R. [Signature]
Jury Clerk.

F.P.T.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Beau Fox, et al., for enrollment as Cherokee Freedmen, consolidating the applications of

Beau Fox, et al.,	Cherokee Freedmen D 808
Toke Looney,	Cherokee Freedmen D 812
Eliza Looney,	Cherokee Freedmen D 837
Frank Looney,	Cherokee Freedmen D 838
Joe Ross, et al.,	Cherokee Freedmen D 842
Phyllis Alexander, et al.	Cherokee Freedmen D 844
Nelson Marrell, et al.,	Cherokee Freedmen D 848
Lewis Ross,	Cherokee Freedmen D 849
Allen Looney, et al.,	Cherokee Freedmen D 851
Jake Looney, et al.,	Cherokee Freedmen D 873
David Ross, et al.,	Cherokee Freedmen D 700
Steve Looney, et al.,	Cherokee Freedmen D 819
Chaney Ross,	Cherokee Freedmen D 847
Mama Brown, et al.,	Cherokee Freedmen D 847
Maggie Willis, et al.,	Cherokee Freedmen D 834

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission as follows, by Beau Fox for himself, his wife, Nancy, and his minor children, Ollie Fox (now Ollie Gibson), Joe Fox, Arthur Fox, Mattie Fox, Ruthie Fox, and Mary Fox. A marriage license and certificate having been filed with the Commission subsequent to said application showing the marriage of said Ollie Fox to one, Percy Gibson, she will now be listed for enrollment as Ollie Gibson. Subsequent to said application, an affidavit was filed showing the birth of Leaver Gibson, minor child of Ollie Gibson, and the same is made a part of the record herein. By Emily Looney for her husband, Toke Looney, as a Cherokee Freedman and for herself as a Cherokee Freedman by intermarriage. By Eliza Looney for herself and her husband, Frank Looney. By Joe Ross for himself and his two grandsons, Irving G. Looney and John Shadd. By Phyllis Alexander for herself and her four minor children, Luther J., Vessie, Sara and Homer Alexander. By Nelson Marrell for himself and his wife, Flora Marrell. By Lewis Ross for himself. By Allen Looney for himself and his two minor children, Alice and Bert Looney. By Jake Looney for himself as a Cherokee Freedman, and for his wife, Freddie Looney, as a Cherokee Freedman by intermarriage. By David

Ross for himself and his minor children, Joseph, Harry and Herbert, Vernie, Nelson, Alva and John H. Ross as Cherokee Freedmen, and for his wife, Mary Ross, as a Cherokee Freedman by intermarriage. By Steve Looney for himself and his wife, Peggy Looney. By Chaney Ross for herself. By Emma Brown for herself and her minor son, Steve Willis. By Maggie Willis for herself and her minor son, Lloyd Willis. The status of persons applying for enrollment as Cherokee Freedmen by intermarriage not being fixed at this time, the applications for the enrollment of Emily Looney, Freddie Looney and Mary Ross, as such will not be considered, or passed upon in this decision. Copies of the testimony taken at various times in the matter of the applications of Daniel Thompson, et al., Rufus Ross, Elizabeth Moigs, Samuel Beck and Emma McAfee, et al. have been filed herewith, and are made a part of the record herein.

The evidence shows that Esau Fox, Nancy Fox, Tebe Looney, Joe Ross, Nelson Murrell, Flora Murrell, Lewis Ross, Allen Looney, David Ross, Steve Looney, Peggy Looney and Chaney Ross, claim for themselves, as former slaves of Cherokee citizens, the right to enrollment, and for the above named children and grandchildren included in their respective applications, as their descendants; that Eliza Looney is a descendant of said Esau and Nancy Fox; that Frank Looney and Jake Looney are the descendants of said Tebe Looney; that Phillis Alexander and her minor children are the descendants of said Joe Ross; that Emma Brown and Maggie Willis, together with their children, are the descendants of said Chaney Ross. All of said applicants, claiming by descent, were born since the commencement of the rebellion, and it is not shown that they have any rights as Cherokee Freedmen, other than as such descendants.

The evidence further shows that Esau Fox, Nancy Fox, Tebe Looney, Joe Ross, Nelson Murrell, Flora Murrell, Lewis Ross, Allen Looney, David Ross, Steve Looney, Peggy Looney and Chaney Ross were slaves of Cherokee citizens at the commencement of the rebellion; that all of them, except Flora Murrell, removed from the Cherokee Nation during the rebellion, and did not return thereto and take up their residence therein, until after February 11, 1867. None of the applicants herein are identified on the 1860 authenticated Cherokee roll.

The evidence further shows that Flora Murrell was residing in the Cherokee Nation at the date of the making of the Cherokee treaty of 1846, and has continued to reside therein from that time, up to and including the date of her application herein.

It is, therefore, the opinion of this Commission that Flora Murrell should be enrolled as a Cherokee Freedman in accordance with the provisions of section twenty-one of the Act of Congress, approved June 26, 1898 (30 Stats., 493); and that the applications for the enrollment of Esau Fox, Nancy Fox, Ollie Gibson, nee Fox, Joe Fox, Arthur Fox, Mattie Fox, Ruthie Fox, Mary Fox, Leaver Gibson, Tebe Looney, Eliza Looney, Frank Looney, Joe Ross, Irving G. Looney, John Shadd, Phillis Alexander, Luther J. Alexander, Vessie Alexander, Ezra Alexander, Erner Alexander, Nelson Murrell, Lewis Ross, Allen Looney, Alice Looney, Bert Looney, Jake Looney, David Ross, Joseph Ross, Harry Ross, Herbert Ross, Vernie Ross, Nelson Ross, Alva Ross,

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John H. Ross, Steve Leoney, Peggy Leoney, Chancy Ross, Russ Brown,
Steve Willie, Maggie Willie and Lloyd Willie as Cherokee Freedmen,
should be denied, under the provisions of section twenty-two of said
Act of Congress, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Signed— Tans Ditty,
Chairman.

• T. E. Soudler,
Commissioner.

• C. E. Buckinridge,
Commissioner.

• W. E. Stanley,
Commissioner.

Dated at Muskogee, Indian Territory,

this March 8, 1904.

Cherokee Freedmen
D-008. et al

Muskogee, Indian Territory, March 19, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Esau Fox et al., granting the application for the enrollment of Flora Murrell, and rejecting all the other applicants included therein, as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission as to Flora Murrell, a copy of which protest you will be required to furnish said Flora Murrell. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Enc. D-38.

Commissioner in Charge.

Cherokee Freedmen
B 508, et al.

Waukegee, Indian Territory, April 23, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Esau Fox, et al., including the Commission's decision dated March 5, 1904, granting the application for the enrollment of Flora Murrell as a Cherokee freedman, and rejecting the applications for the enrollment of Esau, Nancy, Joe, Arthur, Mattie, Ruthie and Mary Fox, Ollie and Leever Gibson, Tebe, Elina, Frank, Irving G., Allen, Alice, Bert, Jake, Steve and Peggy Leomey, Joe, Lewis, David, Joseph, Harry, Herbert, Vernie, Nelson, Alva, John H. and Chaney Ross, John Shadd, Phillis, Luther J., Vessie, Ezra and Ermer Alexander, Nelson Murrell, Emma Brown, and Steve, Maggie, and Lloyd Willis as Cherokee freedmen.

Respectfully,

Encl. V34

Chairman.

Through the

Commissioner of Indian Affairs.

Cherokee Freedmen
D 847

Muskegee, Indian Territory, April 23, 1904.

Emma Brown,

Coffeyville, Kansas.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your minor child, Steve Willis, as Cherokee freedmen, together with a copy of the Commission's decision dated March 5, 1904, in the consolidated case of Esau Fox, et al., rejecting, among others, your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. V-30

Register.

Chairman.

COPY.

Cherokee Freedmen
D 847

Muskogee, Indian Territory, October 8, 1904.

Emma Brown,
Coffeyville, Kansas.

Dear Madam:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting, among others, your application for the enrollment of yourself and your minor child, Steve Willis, as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 31, 1904.

Respectfully,

(SIGNED) *James Bixby.*
Chairman.

COPY

Cherokee Freedmen
D 508, et al.

Waukegee, Indian Territory, October 6, 1904.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated March 5, 1904, granting the application for the enrollment of Flora Marrell and rejecting the applications for the enrollment of Esau, Nancy, Joe, Arthur, Mattie, Ruthie and Mary Fox, Ollie and Leever Gibson, Maggie, Lloyd and Steve Willis, Chaney, Joe, David, Joseph, Harry, Herbert, Vernie, Nelson, Alva, John H. and Lewis Ross, Irving G., Jake, Allen, Alise, Bert, Frank, Eliza, Steve, Peggy and Tobe Looney, John Shedd, Phillis, Luther J., Vessie, Nora and Emer Alexander, Nelson Marrell and Emma Brown, as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 31, 1904, and the Commission ordered to adjudicate the rights of the said Nelson Marrell to enrollment as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

(SIGNED) *Tams Sixby.*
Chairman.

COPY

Land
111804-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

January 25, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes dated December 18, 1906, enclosing a motion for a rehearing in the Cherokee Freedmen case of Maggie Willis and Emma Willis, filed in his office on June 25, 1904. These claimants are parties applicant in the Cherokee Freedmen Consolidated case of Flora Murrell and Beau Fox, et al.

It is alleged in the motion that these parties are the daughters of Chaizie Ross, who, it is alleged, was born the slave of John Ross, the chief of the Cherokee Nation. The motion is not supported by the affidavits of anyone, but is more in the nature of a motion to be informed of what evidence will be required to place their names upon the roll. It does not appear that there is anything material in the motion that has not heretofore been considered in connection with the original case, and the Office therefore concurs in the recommendation of the Commissioner that it be denied.

The records of this Office show that the record in the case of Beau Fox, et al., was transmitted to the Department on November

-2-

20, 1906 (Land 51412, 57136 - 1906).

Very respectfully,

G. F. Larabee,

Acting Commissioner.

20-7

Muskogee, Indian Territory, December 16, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a motion filed June 25, 1906, by George Campbell, Coffeyville, Kansas, for a rehearing of the Cherokee freedmen cases of Maggie Willis et al, Emma Willis (Brown), et al., and Chaney Ross. No evidence is furnished of a copy of this motion having been served on the attorney for the Cherokee Nation.

The decision of the Commission to the Five Civilized Tribes rejecting, among others, the application for the enrollment of Chaney Ross, Maggie Willis and son Lloyd Willis, and Emma Brown and son, Steve Willis, as Cherokee freedmen, was affirmed by the Department August 31, 1904 (I.T.D.6756-1904). These claimants were embraced in the Cherokee Freedmen consolidated case of Flora Murrell and Esau Fox et al., in which case the Department, on June 16,

Secretary-2

1906 (I.T.D.2549,4718-1906), denied a motion for re-hearing.

There is nothing material to the motion herewith transmitted which has not heretofore been considered in connection with the case, and as there is no merit to the same, it is respectfully recommended that it be denied.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.
Encl. B-94

D. C. 8761-1907.

I. T. D. 22204-1906
24876-1906
1846-1907
11203-1906

LES

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J. J. Jr.
S. P.

February 12, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskegee, Indian Territory.

Sir:

On December 10, 1906 (Land 102976-06), the Indian Office transmitted your report dated November 20, 1906, relative to "311 motions in Cherokee Freedmen cases" and referring particularly to the consolidated case of Beau Fox, et al.

You recommend that as these motions have no merit they should be denied.

On January 26, 1906 (Land 111204-06), the Indian Office also transmitted your report dated December 18, 1906, in the matter of a motion for rehearing filed on behalf of Maggie Willis and Emma Willis, applicants in the consolidated case of Beau Fox, et al.

You do not consider that there is anything material in this motion and you recommend that it be denied.

The Indian Office concurs in your recommendation. A copy of its letter is enclosed.

On July 7, 1906, the Department forwarded for your

consideration a motion for rehearing filed on behalf of
Jake Looney, et al., who is also a party applicant in this case.

In view of Section 2 of the Act of April 26,
1906 (34 Stat., 137) even if these motions presented a
prima facie case, the Department would not now be warranted
in granting a rehearing.

All motions for rehearing are accordingly denied.

The papers are enclosed for the files of the Indian
Office, together with a carbon copy hereof.

Respectfully,

Thos. Ryan,

First Assistant Secretary

1 inc. and 18 to Ind. Of.

ATM
2-12-07.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

February 26, 1907.

Land.
14346-1907
15804-1907.

(COPY)

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of February 12, 1907, (I.T.D. 23256-1906, and 1866-1907), denying motion for re-hearing, filed on behalf of Maggie Willis and Emma Willis, applicants in the consolidated Cherokee freedman case of Esau Fox, et al., I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated February 12, 1907, enclosing a motion filed on June 23, 1906, by Roy T. Osborn, attorney at law, of Coffeyville, Kas., and a motion made by Jake and Frank Looney for a re-hearing of their Cherokee freedman enrollment cases.

The decision of the Commission to the Five Civilized Tribes, dated March 4, 1904, rejecting, among others, the application for the enrollment of Jake and Frank Looney was affirmed by the Department August 31, 1904 (I.T.D. 6756-1904). The motion filed is based on newly discovered evidence, but the only affidavit in support thereof is that of Emma Campbell, a sister of the applicants, Jake and Frank Looney.

It is not shown that the applicants used due diligence in endeavoring to secure the testimony of their sister, and as the record further shows that she lives only a few miles from

these applicants, it is not a violent presumption to assume that they used no diligence whatever, or her testimony could have been secured when the case was tried before the Commission. It is quite evident that her testimony is not newly discovered.

The motion has no merit and raises no new points of law or evidence that have not heretofore been considered, and the Office concurs in the recommendation of the Commissioner that it be denied.

The record in the Beau Fox, et al., case is enclosed herewith,

Very respectfully,

C. F. Larrabee,

EWE-SD.

Acting Commissioner.

J.F. Jr.

DEPARTMENT OF THE INTERIOR,

B.O. 12340-1907.
I.T.D. 5620-1907.
IRS.

WASHINGTON.

PHE.

DIRECT.

March 1, 1907.

Commissioner to the Five Civilized Tribes,
Muskegee, Indian Territory.

Sir:

The motion for rehearing in the Cherokee Freedman case of Esau Fox, et al., filed on behalf of Maggie and Emma Willis, applicants therein, received with your letter of February 12, 1907, and Indian Office letter of February 26, 1907 (Land 14346-07), is hereby denied, in accordance with your recommendation and that of the Indian Office, and in view of the limited time allowed by the provision in section 2 of the act of April 26, 1906 (34 Stat., 137), for the completion of the rolls of citizens of the Five Civilized Tribes.

A copy hereof and the papers in the matter have been sent to the Indian Office.

Respectfully,

Jesse R. Wilson,

1 inc. and 18 for Ind.Of.

Assistant Secretary.

A.F.No.
3-1-07.

Cherokee R755

COPY

Muskogee, Indian Territory, March 9, 1907.

Emma Brown,

Coffeyville, Kansas.

Dear Madam:

You are hereby advised, that the motion for a rehearing filed by your attorneys, Starr & Patton, Vinita, Indian Territory, June 25, 1906, in the matter of the application for the enrollment of yourself and son, Steve Willis, as Cherokee freedmen, was denied by the Secretary of the Interior, February 12, 1907.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

HPI

Cherokee F.D.

936

COPY

Muskogee, Indian Territory , March 9, 1907.

Starr & Patten,

Attorneys for Maggie Willis, et al.,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the motion for a rehearing, filed by you June 25, 1906, in the matter of the application for the enrollment of Maggie Willis, et al., as Cherokee freedmen, was denied by the Secretary of the Interior, February 12, 1907.

For your information, there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

SIGNED *Tams Dixby*
Commissioner.

Enc I-21

KPI

Cherokee F.D.

936

COPY

Muskogee, Indian Territory, March 9, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that a motion for a rehearing, filed by Starr & Patten, Attorneys, Vinita, Indian Territory, June 25, 1906, in the matter of the application for the enrollment of Maggie Willis, et al., as Cherokee freedmen, was denied by the Secretary of the Interior, February 12, 1907.

For your information, there is enclosed herewith a copy of Departmental letter referred to.

Respectfully,

SIGNED *Tams Bixby*
Commissioner.

Enc I-20

HPI

Cherokee
D 936.

Muskogee, Indian Territory, April 1, 1907.

Emma Brown,
Coffeyville, Kansas

Dear Madam:

You are hereby advised that the motion, filed by your attorneys, Starr & Patten for a rehearing of your Cherokee freedman enrollment case, was denied by the Secretary of the Interior, March 1, 1907.

Respectfully,

Sec. D. Rodgers
Acting Commissioner.

LMC

Cherokee
D 936, et al.

Muskogee, Indian Territory, April 1, 1907.

Starr & Patten,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the motion, filed by you for a rehearing of the Cherokee freedmen enrollment case of Maggie Willis, et al., was denied by the Secretary of the Interior March 1, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Samuel H. Hodge
Acting Commissioner.

Encl. C-100
LMC

Cherokee
D 936, et al.

Muskogee, Indian Territory, April 1, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion for a rehearing of the Cherokee freedmen enrollment case of Maggie Willis, et al., was denied by the Secretary of the Interior, March 1, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Acting Commissioner.

Encl. G-101
LMC

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.

SS

In the matter of the application of

Brown

for enrollment as a Cherokee Freedman.

No. F. D.

847

Henry Pack, of lawful age, being duly sworn on
oath states that on the *20* day of *September*, A. D., 1901, he registered

to *Emma Brown* whose postoffice is *Coffeyville Kan*

Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto
attaches the receipt of the Postmaster at *Fort Gibson* Indian Territory;

and that on the *23* day of *September*, 1901, he received the return
card which is hereto attached, signed by the said *Emma Brown*, showing
that he had received said notice.

Subscribed and sworn to before me on this the

23 day of

Sept

A. D. 1901.

Henry Pack
J. C. Starr
Notary Public.

10
42847

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 23 1901


ACTING CHAIRMAN.

NOTICE!

IN THE MATTER OF the application of Emma Brown
for enrollment as Cherokee Freedmen:
Case No. F. D. 847

To Emma Brown Coffeyville Kas.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 11th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 20th 1901.

L. B. Bell

W. W. Hastings

J. P. Darnyport

Attorneys for the Cherokee Nation.

①

70.847

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JUN 24 1901

[Handwritten signature]

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 24, 1901
Post Office Coffeyville Kas.
District

1. Name Age
Owner's name Citizenship
Year Page No. District
Parents: Doubtful
Father Citizenship
Mother Citizenship

Name of wife Emma Brown Age 26
Owner's name Citizenship
Year Mo. Page 143 No. 3547 District
Parents:
Father Citizenship
Mother Citizenship

Names of Children:
2. Steve Willis Year Mo. Page 143 No. 3538 Dist. 10
4. Year Page No. Dist.
5. Year Page No. Dist.
6. Year Page No. Dist.
7. Year Page No. Dist.
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12. Year Page No. Dist.

Application made by Mo. 1 Stenographer B. L. Jones

Mo. 1 as Emma Willis

Ref D 3247

FD 847

RECEIVED
MAR 22 1902

U.S. DEPARTMENT OF JUSTICE

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Wm. Paul Brown,
Coffeyville, Kans.,
Cherokee-F-D-847.
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cher. Fr. R. 756

Trans. from C. Fr. D. 855

Cher. Fr. R. 756

1

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 13 1891

It is the duty of the Commission to report to the President and the Secretary of the Interior the results of its investigations and the progress of its work.

REPORT OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES
FOR THE YEAR 1891

[Handwritten signature]

CHIEF OF BUREAU

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 22d, 1901.

In the matter of the application of Mina Beck for the enrollment of herself and ten children as Cherokee Freedmen, said Beck being sworn and examined by Commissioner T. H. Needles, testified as follows:

- Q What is your name? A. Mina Beck.
Q How old are you, Mina? A. About 41 I guess.
Q What is your post office? A. Bartlesville.
Q What district do you live in? A. Coconawawee.
Q Do you want to be enrolled as a Cherokee Freedman? A. Yes, sir.
Q Who do you want to enroll besides yourself? A. My children.
Q How many have you got? A. (Hands paper to U.S.M.R.)
Q Is your name on the roll of 1890? A. I don't know whether it is or not.
Q What is your husband's name? A. Nelson Beck.
Q Has he been enrolled? A. There he is, he will apply for himself.
Q What was your father's name? A. George Bryant.
Q Is he living? A. Yes, sir.
Q What is your mother's name? A. Millie Bryant.
Q Is she living? A. No, sir, she is dead.
Q Now, first child under age is Panny is it?
A. No, sir.
Q How old is Panny? A. Panny's 20.
Q What is the next one, James? A. James.
Q What is he, 19? A. Yes, sir.
Q What is the next one, Hattie? A. Hattie.
Q Is she 17? A. Yes, sir.
Q What is the next one? A. George.
Q Is he 16? A. Yes, sir.
Q What is the next one? A. Florence.
Q Is she 12? A. Yes, sir.
Q What is the next one, Nelson? A. Yes, sir.
Q Is he named after his father? A. Yes, sir.
Q Nelson, Jr.? A. Yes, sir.
Q He is ten? A. Yes, sir.
Q Next one? A. Dempsey.
Q Mine? A. Yes, sir.
Q Viola, four; next one? A. Lewis.
Q He was three? A. Yes, sir.
Q Next one Cera? A. Yes, sir.
Q She is three months old is she? A. Yes, sir.
Q Now you say your father, George Bryant has been enrolled?
A. Yes, sir.
Q Does his testimony cover your case, do you know?
A. I don't know.
Q Are these children all Beck? A. Yes, sir, they is all Beck's.
Q Were you ever married before you married Nelson Beck?
A. Once.
Q What was that husband's name? A. Martin.
Q Was he living? A. No, sir, dead.
Q Did you have any children by him? A. Only one, girl, she is married.
Q Well, did you draw what is known as Kern-Elia file money?
A. No, sir, I drew at the Wallace.
Q The Wallace is all you drew? A. Yes, sir.
Q Have you got witnesses? A. Yes, sir.
Q Who are your witnesses? A. Millie Frye and Captain Hicks.

The 1890 Authentic Roll of freedmen of the Cherokee Nation examined and names of applicants not found thereon.

The Wallace Roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 103, #2187, Minnie Beck, Cooweescoowee District.
Page 103, #2191, Fanny Beck, Cooweescoowee District.
Page 103, #2192, James Beck, Cooweescoowee District.

The Kern-Clifton roll of Freedmen of the Cherokee Nation examined and names of applicant's children found thereon as follows:

Page 181, #4439, Fanny Beck, Cooweescoowee District.
Page 181, #4440, James Beck, Cooweescoowee District.
Page 181, #4441, Hattie Beck, Cooweescoowee District.
Page 181, #4442, George Beck, Cooweescoowee District.
Page 181, #4443, Florence Beck, Cooweescoowee District.
Page 181, #4444, Nelson Beck, Cooweescoowee District.
Page 181, #4445, Damps Beck, Cooweescoowee District.

Q Is your husband's name on the roll of 1880? A I don't know, sir, it ought to be.
Q How did it happen your children got on the Kern-Clifton roll and you didn't? A I don't know.
Q You knew your name wasn't on the roll of 1880 didn't you?
A I guess it ain't.
Q Were you a slave? A Yes, sir.
Q To whom did you belong? A Belonged to Bryant, my father, Joel Bryant.
Q Is he a Cherokee citizen? A Yes, sir.
Q Where were you born? A On Grand river.
Q Cherokee Nation? A Yes, sir.
Q Well, did you go out of the Cherokee Nation during the war?
A I suppose I did, but if I did I don't recollect.
Q Where do you recollect being the first time you can recollect?
A Grand river.
Q In the Cherokee Nation? A Yes, sir.
Q You don't know anything about being taken out? A No, sir.
Q Don't know anything about being taken out and coming back either.

MILLIE FRYE, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Millie Frye.
Q How old are you? A 64.
Q What is your post office? A Vinita.
Q You are recognized Freedman are you? A Yes, sir.
Q On the roll of 1880? A Yes, sir.
Q Do you know Mina Beck, the applicant here? A Yes, sir.
Q How long have you known her? A Ever since she was a baby.
Q What was her father's name? A George Bryant.
Q What was her mother's name? A Millie.
Q Were George and Millie Slaves? A Yes, sir; George belonged to Joel Bryant.
Q Were they taken out of the Cherokee Nation during the war?
A Yes, sir, they went to Douglas county, Kansas.
Q When did they return? A They returned; I don't know, when I saw George it was along in '67.
Q Was Mina with him? A Yes, sir.
Q Min a was with him at that time? A Yes, sir.
Q And that is the first time you saw them? A Yes, sir; it was in April, '67.
Q Where was that? A Near Delaware District.
Q They didn't come back with you? A No, sir.
Q Are you an Aunt of this applicant? A Her mother was my Aunt.

FLEMING HICKS, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Mina Beck, et al.--3.

- Q Your name is Filmore Hicks? A Yes, sir.
- Q What is your age? A 52.
- Q Do you know Min a Beck the applicant? A Yes, sir.
- Q Did you know her father? A Yes, sir, his name was George Bryant.
- Q What was her mother? A Millie Bryant.
- Q Were they slaves? A Yes, sir I think they were, I didn't know them before the war.
- Q Do you know where they went to during the war? A Only what they told me.
- Q Well, when did George Bryant and this child return after the war? A I saw them on Grand river,
- Q What year? A It was in '67.
- Q What part of '67? A Right first of the year, about February.
- Q Well, have you known them ever since that time?
- A Yes, sir, I have known them ever since.
- Q Is she married? A I haven't seen her very regular since myself.
- Q Do you know whether she is married or not? A No, sir.
- Q Then the first time you saw them was in January or February, 1867? A Yes, sir, that is my first recollection.
- Q Did you know which it was? A I think it was in February, though I would not be positive.

BY MR. HASTINGS, Cherokee Representative:

- Q Where were ~~they~~ they living? A They was living on the other side of the river.
- Q On whose place? A They lived on the place that Aaron Martin built.
- Q Aaron Martin had lived there the year before had he?
- A Yes, sir.
- Q Well, was it on the east or west side of the river?
- A On the east side.
- Q Now, what Cherokees lived nearest to them at that time?
- (No response.)
- Q How far from George Clark? A About four or five miles.
- Q Well, who else was living around there? A Millie Frye.
- Q How far was Millie Frye living? A About five or six miles.
- Q What old place is that nearest they came to? A My father's old place.

MINA BECK, the applicant, recalled: BY COM'R NEEDLES:

- Q Are these children all living at this time? A Yes, sir.
- Q When were you married to Nelson Beck? A Never was married to him.
- Q Never have been married to Nelson Beck? A No, sir.
- Q I thought you said Nelson Beck was your husband? A Of course he is my husband, but we wasn't married.
- Q How long have you been living with him? A 22 years.
- Q Been living together 22 or 23 years as husband and wife?
- A Yes, sir.

MILLIE FRYE, recalled:

- Q Do you know Nelson Beck? A No, sir, never knew him until after she married him.
- Q How long have Millie and Nelson been living together?
- A I don't know; I saw him at the Wallace Court and he told me that he had married this girl and that is all I know about it, they didn't live anywhere near us.
- Q And you don't know whether they have been living together all this time as husband and wife or not? A No, sir.

MARY BECK, being sworn and examined by Commissionary
I recollect, testified as follows:

- Q What is your name? A Mary Beck.
- Q How old are you, Mary? A I don't know my age.

Mina Beck, et al.—4.

- Q Well, about how old? A I don't know.
Q Over ten aren't you? A Yes, sir, I never stated my age, I would not give any guess at it.
Q Well, do you know, Mina Beck? A Yes, sir.
Q What relation are you to her? A Might be called sisters-in-law I guess we married sisters.
Q Do you know Nelson Beck? A Yes, sir.
Q How long have you known Nelson and Mina? A I have been knowing about 22 or 23 years.
Q Do you know whether they have been married or not? A Yes, sir.
Q Do you know they have been living together? A Yes, sir.
Q They are considered as man and wife? A Yes, sir.

AMY BEAN, being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Amy Bean.
Q What is your age, Amy? A 45.
Q Post office? A Vinita.
Q Do you know Mina Beck, the applicant? A Yes, sir.
Q How long have you known her? A I have known her now for about 33 or 4 years.
Q Did you know her father? A Yes, sir.
Q What was his name? A George Bryant.
Q What was her mother? A Millie.
Q Were they slaves? A Yes, sir.
Q Who did they belong to? A I don't know.
Q Do you know whether they went out of the Cherokee Nation during the war or not? A Yes, sir.
Q Where did they go? A Went to ran sas.
Q Do you know when they returned? A No, sir.
Q When was the first time you saw Millie Beck after the war?
A I saw her in '67.
Q What month? A That was along in the summer, I don't know exactly what time.
Q Where was that? A Down on Grand river.
Q Well, did you see her father at that time? A No, sir, I saw her mother.
Q Her mother isn't living now? A No, sir, she is dead.
Q Have you known her since that? A Yes, sir.
Q Do you know her as Mina Beck; do you know her husband, Nelson?
A Yes, sir, but I am not much acquainted with him.
Q Do you understand that they have been living together as man and wife? A Yes, sir, ever since I heard of them.
Q You think the first time you saw her was in the summer of '67?
A Yes, sir.

COM'R NEEDLES: Mina Beck applies for the enrollment of herself and ten children. She cannot be identified upon the census roll of 1896 or authenticated roll of 1880; she is identified upon the Wallace roll. She avers that she has lived with Nelson Beck for the last 22 or 23 years, but that she was never married to him. They have been living together continuously since that time as man and wife and she presents satisfactory proof to that effect. She avers that she was a slave of Joel Bryant, her father was George Bryant and her mother Millie. The testimony shows in the case that she was taken to the State of Kansas during the war but didn't return until the year 1867. The names of her children for whom she applies are all identified upon the Kern O'Brien roll, except her three younger, Viola, Lewis and Sara; their names are not identified upon any of the rolls and it will be necessary for her to make satisfactory proof as to their birth.

At 10 o'clock, of the 10th day of July, 1901,

presented as evidence a certain document as shown on the face of which is certified by the Secretary of the Interior.

That the said document, which states that as stated in the Constitution of the United States, he correctly recites the history and progress of the said tribe, and that foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 10th day of July, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FINE CIVILIZED TRIBES

FILED
JUL 18 1901

[The remainder of the page contains extremely faint and illegible text, likely bleed-through from the reverse side of the document.]

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 28, 1901.

In the matter of the application of Charlotte Beck for the enrollment of herself and herola Freedman, being sworn and examined by Commissioner Needles, she testified as follows:

- Q What is your name? A Charlotte Beck.
Q How old are you? A 24 as nigh as I can guess at it.
Q What is your post-office address? A Bartlesville, well Dewey really.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q How do you want to enroll besides yourself? A Just myself.
Q Is your name on the roll of 1880? A No sir.
Q What is your mother's name? A Mina Beck.
Q Your father's name? A I go by my step-father's name, Beck, but my own father was named Henry Sidney, he is dead, I never did see him.
Q Is your name on any of the rolls of the Cherokee Nation? A Yes sir on the Kern-Clifton and the Wallace roll.
Q Is your mother living? A Yes sir.
Q Has she been here to enroll? A Yes sir, she has done been in.

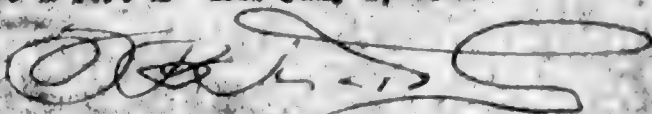
Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified on page 162 #4437 Charlotte Beck, Coowescoowee District.

- Q Where were you born? A On Verdigris.
Q Lived in the Cherokee Nation all your life? A Yes sir.
Q Are you married? A No sir.
Q Never been married? A No sir.
Q Got no children? A No sir.
BY MR. DAVENPORT, Cherokee Rep'v:
Q You don't claim through your father at all? A No sir.
Q Just through your mother? A Yes sir.
Q Did you ever live anywhere except in the Cherokee Nation? A No sir, I don't know no other place.
Q Never been working in Kansas? A No sir.
Q Nor going to school in Kansas? A No sir, I never went to school in my life.

Gen'r Max Needles: Charlotte Beck applies for the enrollment of herself; she avers that she is a child of Mina Beck, who was duly listed for enrollment on D card 819, and the testimony taken in the case of Mina Beck will be made a part of the record in the case at bar, and a copy thereof filed herewith; the applicant is duly identified upon the Kern-Clifton pay roll, she cannot be identified upon the authenticated roll of 1880; she makes satisfactory proof as to residence, and will now be listed for enrollment as a Cherokee Freedman on a doubtful card.

M. D. Green being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this July 8, 1901.



(COPY)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Mina Beck, et al., as Cherokee Freedmen, consolidating the applica-
tions of

Mina Beck, et al.,	Cherokee Freedmen	D 419
Charlotte Beck,	"	D 888
Ida Beck,	"	D 906
Nelson Beck,	"	\$1100

-: D E C I S I O N :-

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Mina Beck for herself and her minor children, Fanny, James, Mattie, George, Florence, Nelson, Jr., Dossney, Viola, Lewis and Cora Beck; by Charlotte Beck for herself; by Ida Beck for herself; and by Nelson Beck for himself.

The evidence shows that the applicants Mina Beck and Nelson Beck were the slaves of Cherokee citizens at the commencement of the rebellion; that Mina Beck left the Cherokee Nation during the rebellion and did not return thereto within the time specified, in the decree of the Court of Claims rendered on February 3, 1886, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation, et al., for the return of Freedmen to said Nation; that Nelson Beck resided in said Nation continuously from 1863 to about 1872; that since 1872 he has also resided in said Nation continuously, except during the time he was confined in the penitentiary in Kansas, but this, being an involuntary change of residence, is not considered as affecting his domicile in the Cherokee Nation. The evidence further shows that the applicant Charlotte Beck is a daughter of Mina Beck, born since 1866, and has no right to enrollment except such as she may have derived through the said Mina Beck. All the applicants herein except Nelson, Mina and Charlotte Beck are the children of said Nelson Beck, born since 1866, and claim right to enrollment through him. None of the names of the applicants herein are found on the 1880 authenticated Cherokee roll.

It further appears that the applicant George Beck died on September 24, 1901.

Section 25 of the Act of Congress, approved July 1, 1902, (32 Stats., 716), provides that,

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

-2-

It is, therefore, the opinion of this Commission that the applications for the enrollment of George Beck and Charlotte Beck as Freedmen should be denied, unless the provisions of section 1492 of the Act of August 2, 1868, Chapter 20, Title 18, United States Statutes, are amended so that the said George Beck and Charlotte Beck, their heirs and assigns, shall be entitled to the same benefits as the Freedmen of the State of Louisiana, in accordance with the provisions of section 1492 of the said Act of Congress, and it is so ordered. It is further ordered that the application for the enrollment of George Beck as a Freedman be, and the same is, hereby dismissed, under the provisions of law above quoted.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) **Tom Kirby,**
Chairman.

(Signed) **T. B. Needles,**
Commissioner.

(Signed) **C. R. Breckinridge,**
Commissioner.

Dated at Muskogee, I. T.,

this 21st day of July, 1904

RECEIVED
JULY 21 1904

Washington, Indian Territory, July 21, 1904

Watkins, Stewart & Hill,
Attorneys for the Cherokee Nation,
Vidalia, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 21, 1904, in the consolidated case of Him Beck, et al., granting the applications for the enrollment of Fanny, James, Mattie, Florence, Nelson Jr., Deasy, Viola, Lewis, Gern, Ida and Nelson Beck as Cherokee freedmen, and rejecting the other applicants mentioned therein.

You are advised that you will be allowed fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case. If you fail to file such protest within the time allowed this decision will be considered final.

Respectfully,

Encl. 2-74.

Commissioner in Charge.

CORRECTION

THIS DOCUMENT
HAS BEEN
REPHOTOGRAPHED
TO ASSURE
LEGIBILITY

Cherokee Freedmen
S-429, S-430, S-431
1100.

McKeesee, Indian Territory, July 21, 1904.

Hastings, Dubouper & Hall,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 21, 1904, in the consolidated case of Hiss Beck, et al., granting the applications for the enrollment of Fanny, James, Mattie, Florence, Nelson Jr., Dempsey, Viola, Lewis, Gern, Ida and Nelson Beck as Cherokee freedmen, and rejecting the other applicants mentioned therein.

You are advised that you will be allowed fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Encl. S-74.

Commissioner in Charge.

COPY

Cherokee Freedman,
D-885.

Muskogee, Indian Territory, August 12, 1904.

Charlotte Beck, or Johnson,
Dewey, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for enrollment as a Cherokee freedman, together with a copy of the Commission's decision, dated July 21, 1904, in the consolidated case of Mina Beck, et al., rejecting, among others, your said application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Incl.
DTS-10a.

COPY!

McAlester, Indian Territory, August 18, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Mina Beck, et al., including the Commission's decision, dated July 31, 1904, granting the applications for the enrollment of Fanny, James, Mattie, Florence, Nelson, Jr., Dempsey, Viola, Lewis, Cora, Ida and Nelson Beck, rejecting the applications for the enrollment of Mina and Charlotte Beck, and dismissing the application for the enrollment of George Beck, as Cherokee freedmen.

You are advised that the Cherokee Nation protests against the action of the Commission as to those applications granted, a copy of which protest is inclosed.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

(COPY)

Refer in reply to
the following:

Land
55756-1904.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, September 7, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes, dated August 13, 1904, transmitting the record of the applications for enrollment as Cherokee freedmen by Mina Beck for herself and her minor children, Fanny, Dempsey, Hattie, George, Florence, Nelson Jr., James, Viola, Lewis and Cora Beck; by Charlotte Beck for herself; by Ida Beck for herself, and by Nelson Beck for himself.

July 21, 1904, the Commission denied the applications for enrollment of Mina Beck and Charlotte Beck, dismissed that of George Beck by reason of his death and decided favorably upon the applications of Fanny, James, Lewis, Cora, Ida and Nelson Beck.

The record shows that George Beck died September 24, 1901; that Mina Beck was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she was taken out of the Cherokee Nation during the war and that she did not return

to the Nation on or before February 11, 1867. It is also shown that Charlotte Beck is a daughter of Wm. Beck born since 1866 and has no right to enrollment under act of May 20, 1866.

It is further shown that Nelson Beck was the slave of a Cherokee citizen at the beginning of the war and remained in the Cherokee Nation up to the date of the record, excepting a term confined in the Kansas penitentiary. That all of the other applicants are the children of Nelson Beck.

In view of the record, the approval of the commission's decision is recommended.

Very respectfully,

W.A. Jones,

Commissioner.

1001/1M

DEPARTMENT OF THE INTERIOR,

D.O. 22223-1904.
I.T.D. 7192-1904.
7993-

WASHINGTON,

September 22, 1904.

Y.P.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

August 12, 1904, you transmitted the record in the matter of the Cherokee freedman case of Mina Beck, et al., including your decision of July 21, 1904, rejecting the application for the enrollment of Mina Beck and Charlotte Beck, dismissing the application for the enrollment of George Beck by reason of his death on September 24, 1901, and granting the application for the enrollment of Fanny Beck, James Beck, Hattie Beck, Florence Beck, Nelson Beck, Jr., Dempsey Beck, Viola Beck, Lewis Beck, Cora Beck, Ida Beck and Nelson Beck.

Reporting September 7, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is affirmed, except in so far as it affects the applicant Mina Beck. You rejected the applicant Mina Beck for the reason that she did not return to the Cherokee Nation prior to February 11, 1867. It appears that said Mina Beck is the wife of Nelson Beck, and it is desired that you adjudicate whatever rights

she may have as a Cherokee Indian by intermarriage.

Subsequent to the preparation of this decision the Department received a communication from Messrs. Sevelly & Stevens, dated September 15, 1904, transmitting a motion for rehearing as to the application of Miss Beck. This motion does not show service upon the attorneys for the Cherokee Nation, and is therefore inclosed herewith, to be returned to said attorneys.

Respectfully,

(Signed)

Thos. Ryan,

2 inclosures.

Acting Secretary.

No motion enclosed.

R.H.

COPY.

Cherokee Freedman
D-886.

Muskogee, Indian Territory, October 28, 1904.

Charlotte Beck,
Dewey, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated July 21, 1904, rejecting, among others, the application for your enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on September 22, 1904.

Respectfully,

SIGNED, *Jerns Dixby.*
Chairman.

COPY.

Cherokee Freedmen
B-819 et al.

Muskogee, Indian Territory, October 28, 1904.

Bell, Hastings and Davengert,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated July 21, 1904, rejecting the applications for the enrollment of Mina and Charlotte Beck, granting the applications for the enrollment of Ida, Nelson, Fanny, James, Hattie, Florence, Nelson Jr., Dempsey, Viola, Lewis and Cora Beck, and dismissing the application for the enrollment of George Beck, as Cherokee Freedmen, was affirmed by the Secretary of the Interior on September 22, 1904, as to all except the said Mina Beck, and the Commission ordered to adjudicate her rights to enrollment as a Cherokee Freedman by intermarriage.

Respectfully,

SIGNED:

James Bixby.
Chairman.

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80855

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 25 1901


ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 25 1901
Post Office Newry, S.C.
District Row

1. Name _____ Age _____
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____
Mother _____ Citizenship _____

19. Name of wife Charlotte Beck Age 24

Owner's name _____ Citizenship _____
Year R.C. Page 181 No. 4437 District Row

Parents:

Father Henry Sidway - dead Citizenship _____
Mother Mira Beck Citizenship _____

Names of Children:

No.	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Overhead

Application made by No. 1 Stenographer M. S. Green

X Ref, 0819

410855

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U. S. GOVERNMENT PRINTING OFFICE
NEED
MAR 28 1952

[Signature]
ALVIN C. [unclear]

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Charlotte Beek,

Dewey, I. T.

Cherokee-F-D-855.

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cher. Fr. R. 757

Trans. from C. Fr. D. 858

Cher. Fr. R. 757

100

30858

COMMISSION TO THE RIVER
M I I
JUL 13 1930

CHAIRMAN

The Commission to the River
 has the honor to acknowledge
 the receipt of your letter
 of the 10th inst. in
 reference to the
 proposed project
 for the construction
 of a dam on the
 River at the
 place known as
 the "Old Mill"
 and to inform you
 that the same
 has been referred
 to the
 Board of
 Commissioners
 for their
 consideration
 and that the
 same will be
 reported to
 the Commission
 at its next
 meeting on
 the 20th inst.
 Very respectfully,
 [Signature]
 Chairman

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 28th, 1901.

In the matter of the application of George Thompson for the enrollment of himself, his wife, two children and six grandchildren as Cherokee Freedmen; said Thompson being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:

Messrs. Hallett & Smith, for Applicants.
Mr. W. W. Hastings for Cherokee Nation.

- Q Your name is George Thompson? A Yes, sir.
Q What is your age? A I don't know just how old, my age is 65 or 66 somewhere along there.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q What is your post office address? A Hayden.
Q What district do you live in? A Coconococoo.
Q Do you want to enroll anybody besides yourself and two young children? A Yes, sir.
Q What are their names? A Sallie and Jesse.
Q Sallie is 18 and Jesse 17? A Yes, sir.
Q Are they living? A Yes, sir.
Q Born in the Cherokee Nation? A Yes, sir.
BY MR. SMITH:
Q Were you a slave? A Yes, sir.
Q Who did you belong to, Mr. Thompson? A Joe Thompson.
Q Was Joe Thompson a Cherokee Indian? A Yes, sir.
Q Where did he live at the time the Civil War commenced?
A He first, right at the beginning of the war he lived on Cabin Creek.
Q Well, where is Cabin Creek? A It is over here near Grand river about 18 or 20 miles the other side.
Q In the Cherokee Nation? A Yes, sir.
Q You say you don't know how old are you? A No, sir.
Q About how old are you? A About 65 or 6, may be older or younger.
Q Where were you living when the war commenced? A I was living with Joe Thompson.
Q At what place? A On Grand river near the mouth of Cabin Creek.
Q In the Cherokee Nation? A Yes, sir.
Q Did you go out of the Cherokee Nation at any time during the war? A He taken me out.
Q Where did he take you to? A Taken me to Texas.
Q Well, when did you first return to the Cherokee Nation after the war was over? A I come back here right, just right after the war, as soon as I found the war was over, it must have been about '66 somewhere along there.
Q Where did you come to? A Fort Gibson.
Q Who did you come back with? A Young fellow with me by the name of Bell come back.
Q Did you have any family? A I had a family but didn't have them with me at that time.
Q Well, who was the mother of Sallie and Jess? A Rhoda Thompson.
Q Were you and Rhoda married? A We was kinda slave time married.
Q She was your wife before the war? A Yes, sir.
Q Is she living or dead? A She is living.
Q Is she the mother of Sallie and Jess? A Yes, sir.
Q Now, what other children had you had any other children older than Sallie and Jess, have you and Rhoda? A John and George and another one, the oldest it died the year I come.
Q Where does George live? A He stays with me.
Q Where does John live? A He stays with me.
Q How old are they? A One of them is about 24 and the other is about 23.
Q Have all of your children been born since the war? A Yes, sir, the one that was dead was born here before the war.

George Thompson, et al.--2.

Q Now, what did you do during the war, you said you were taken down in Texas? A Blacksmith.

Q Where was your Master? A He was part of the time in the army and part of the time at home.

Q And how long did you stay at Fort Gibson when you returned there? A I didn't stay there more than a day.

Q Where did you go from Fort Gibson? A I come up on Grand river, where I had been living before the war.

Q Where have you been living since the war? A After I come back from Texas I lived part of the time on Lightning Creek and on Cabin around up there one place and another.

Q Well, now, can you state what time it was the year it was that that you come back after the war? A I e an pretty n ear it, I reckon in '65 me an d Joe Thompson come up to the Choctaw Nation that is he brought me back there, I was driving a team for him, and the next summer I went to see him and he moved off and left me and I went and hunted him up the next summer to see if he was coming up here and he said he wasn't fixed up to come and then I pulled up from there.

Q Now, what time of the year was it Joe Thompson brought you to the Choctaw Nation? A It was in the fall after we laid by crops.

Q How long was it before you started to the Cherokee Nation from the Choctaw Nation? A He took me back to Texas, it was the next year after that.

Q It was the next year after the fall that you just spoke of?

A Yes, sir.

Q Was that t he Joe Thompson the same Joe Thompson that owned you here in the Cherokee Nation? A Yes, sir, I had never left him, I was working for him then.

Q These two children, Callie and Jess, where do they live? A They are living with us over there on Lightning Creek.

Q Where do you live? A Hayden.

Q How long have you lived there? A Ever since the post office has been there.

Q How long has that been? A 12 or 14 years.

BY MR. HASTINGS:

Q Well, George, this Joel Thompson your former Master now lives over on Grand river below Vinita? A Yes, sir, below Cabin.

Q This Joel Thompson? A Yes, sir.

Q He was down in Texas with you? A Yes, sir he carried me down there.

Q Which do you claim left Texas first, you or Joe Thompson?

A I don't know, you see he moved off and left of me right in the winter of '65 I reckon it was after we went to the Choctaw Nation and he moved off and left me.

Q I thought you said he took you back to Texas again? A It was after we come up to the Choctaw Nation, the same year.

Q And your wife was down there? A Yes, sir, with my wife.

Q Now how far from him did you live when you went back from there in '65 or the spring of '66, how far did you live from Joe Thompson at that time? A 20 or 25 miles, I rode it in a half day when I went to see him.

Q You don't know which left Texas first? A No, sir, I went to see him in July and I want to see him when he was coming back here.

Q Do you know what year that was? A It was in '66 I guess, it must have been and he said he wasn't coming and I never saw him any more.

Q Do you know Healey Hall? A Yes, sir.

Q Did you know him down in Texas? A Yes, sir.

Q Now, how far did you live from him? A It must have been about 15 miles.

Q Do you know who left down there in Texas first for the Nation you or him? A No, sir, I don't.

Q Do you know when he left? A No, sir.

Q You first come to Fort Gibson did you? A Yes, sir.

George Thompson, et al.--3.

- Q How you stayed there about a day and from there where did you go? A I went up on Grand river in the Lynch settlement where I had been living before the war.
- Q Near the mouth of Cabin Creek? A Yes, sir, above it and below it.
- Q About how long did you remain on Grand river in the Lynch settlement? A Month or so.
- Q You had your wife with you? A No, sir, I come up for a location, come up here to see.
- Q You swore before the Kern-Clifton Commission that you brought your wife with you? A No, sir, I don't think I did bring her with me when I first come.
- Q I will ask you if you didn't swear that you brought her with you when you come up here in 1866? A I don't think I did.
- Q Did you bring your children with you at that time? A No, sir, I don't think I did, just had one.
- Q Well, you stayed around there in that settlement and you went back to Texas? A To get my folks.
- Q And what time was that you were up there, the first time? A In the fall or winter.
- Q Who did you come up with? A Fellow that lived with Mr. Bell.
- Q Alfred Bell? A Yes, sir.
- Q One that had lived with Hookey Bell? A Yes, sir.
- Q Now, how did you come, horseback or wagon? A Horseback.
- Q You went on back after that? A Yes, sir.
- Q Now, how long did you remain in Texas after you went back there before you come back to the Nation with your family? A Come back the next fall or ~~spring~~ summer, the next summer.
- Q The next summer? A Latter part of summer, yes, sir. It was getting kinda cool.
- Q That was when you come with your family? A Yes, sir.
- Q That would be in the summer of '67? A Yes, sir.
- Q Where did you bring them to? A Out on Lightning Creek.
- Q About how far from Hayden was it you located? A Right there, I first stopped in a house that belonged to Harry Still.
- Q Well, you have been living right there ever since? A Yes, sir, I have been back to Texas a time or two since then.
- Q You have gone back to Texas since then have you? A Yes, sir; three or four times.
- Q Did you take your wife with you? A No, sir.
- Q Did your wife ever go with you? A Went but didn't go with me.
- Q Any of the rest of your family go with you when you went back? A No, sir.
- Q Is your wife living? A Yes, sir.
- Q And she come back up here in the summer of '67? A Yes, sir, as near as I can recollect.
- Q Did you hear L. B. Bell's statement and Joe Thompson's statement against you before the Kern-Clifton Commission? A No, sir.
- BY MR. SMITH:
- Q Are you upon any of the rolls of the Cherokee Nation? A I think I is.
- Q Did you draw the Wallace money or not? A No, sir, I was before the Court though.

The 1880 Authenticated Roll and 1896 Census Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.

The Kern-Clifton Roll of freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 172, #4255, George Thompson, Coconawocooe District.
Page 172, #4223, Ballie Thompson, Coconawocooe District.
Page 172, #4229, Jess Thompson, Coconawocooe District.

Page 172, #4226, Rhoda Thompson, Cooweescoowee District.

The Wallace Roll of freedmen of the Cherokee Nation examined and name of applicant found thereon, page 144, #3005, George Thompson, Cooweescoowee District.

BY COM'ER NEEDLES:

Q Is Rhoda Thompson, the mother of all these children? A Yes, sir.

Q Is she a citizen? A Yes, sir, belonged to Joe Thompson, the same man I did.

Q Has she appeared for enrollment yet? A No, sir, she has been sick.

Q You don't apply for her now? A Yes, sir, I apply for her and two children.

BY MR. SMITH:

Q ~~Married~~ How long have you and Rhoda lived together as man and wife? A Ever since before the war, probably a year.

Q You said you were married before the war? A Yes, sir.

BY COM'ER NEEDLES:

Q How old is Rhoda? A She must be about the same age I am.

Q Was she with you in coming from Texas to the Choctaw Nation?

A No, sir not when me and Mr. Thompson come.

Q When did she come? A She come the year year after we did; Judge, we was up there selling whiskey and we didn't have any business with her and when we sold out the whiskey and got horses and went back, I was driving a team for him and we went back home and after we went back home he sold his team.

Q And when you moved up she come with you? A Yes, sir.

Q And that is the first time she come with you?

A Yes, sir.

Q Did you saw that was in '67? A Yes, sir.

BY MR. HASTINGS:

Q Where did you meet up with Alfred Bell when you come along here? A He started with me from

Q From your house or Mr. Bell's house? A No, sir, I struck him in close to a little town there then close to Tiler.

Q How far was that from where Mr. Bell lived?

A 25 or 30 miles.

Q He hadn't been living with Mr. Bell? A Yes, sir I don't know when he did leave him I come across him up there.

Q Did this Bell come all the way up here with you?

A Yes, sir, I lived him at Gibson.

Q He didn't come up to Grand river with you? A No, sir.

BY COM'ER NEEDLES:

Q You want to apply for some grandchildren you say? A Yes, sir.

Q What are their names? A Bertha Thompson.

Q How old is she? A I could not recollect the names. (Hands paper to Commissioner.)

Q How many of these children are there? A Six.

Q 18 years old; what the name of the next one? A Fred.

Q 17 years old is he? A Yes, sir.

Q What is the next one after Fred? A Robert.

Q 15? A Leviticus, he is 12 years old.

Q What is the next one? A Georgia, she is a girl.

Q Georgia, nine years old? A Yes, sir.

Q What is the name of the next one? A Joe.

Q Seven years old.

Q Who was the mother of these children? A Cornelia Thompson when she was married.

Q Is she your daughter? A No, sir, my son's daughter.

Q What was your son's name? A Jim Thompson.

Q Your son James? A Yes, sir.

Q Is Cornelia a citizen? A I think not, Judge.

Q Well, have you got any certificate of marriage between them?

A No, sir.

- Q Any proof of marriage? A No, sir.
Q Anybody know they were married? A No, sir; now, he went to Texas and married that woman and he come back here and lived with her, I can bring proof that they lived together as wife and wife until he died.
Q Where are these children? A Over there on Lightning.
Q All born in the Cherokee Nation? A Yes, sir.
Q Is James dead? A Yes, sir.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and name of father of children found thereon page 172, #4230, James Thompson, Coowee-coowee District.

- Q Where was James Thompson born? A He was born in Tablequah District, Cherokee Nation.
Q Did he live there all his life? A No, sir, I brought him to Texas and brought him back when I come.
Q He was born before the war? A Yes, sir.
Q You took him down there? A Yes, sir.
Q Brought him back when you come? A Yes, sir.
Q Is he Rhoda's child? A Yes, sir.
Q Well, did he live in the Cherokee Nation until he died yafter you brought him back? A No, sir, he went backwards and forwards to Texas; he would go back and stay six or eight months.
Q Did he marry here? A Yes, sir.
Q Lived here until he died? A Yes, sir.
Q Is his wife dead? A Yes, sir.

BY MR. SMITH:

- Q Was your wife, Rhoda a slave? A Yes, sir.
Q To whom did she belong? A Joe Thompson at the time of the war.
Q Was she taken out of the Cherokee Nation during the war?
A At the same time I was and come back when I did.

BY MR. HASTINGS:

- Q You stated a while ago that Rhoda come back in the summer of '67? A Yes, sir.
Q Was that the time now you claim you brought Jim back? A Yes, sir.
Q He didn't come then when you first come? A No, sir, he was t little.
Q Well, now where did James's wife die?
A She died ever here on Lightning Creek.
Q How big was Jim when you brought him back here after the war?
A He was five or six years old.
Q Did you see Boncy Dan Landrum when you come up here after the war? A Yes, sir.
Q Where did you see him? A At Mr. McQuery's.
Q What was he doing? A Blacksmithing.
Q That was before you brought your wife? A Yes, sir.
Q How far was that from the Jim Kill place?
A Jim Kill's place was up at Beaty's prairie, this was Lewis Kell's place.
Q And that is where you were working? A Yes, sir.
Q Now, tell us all about Jim's whereabouts, how long did he remain here with his mother until he went back to Texas?
A He went to Texas several times.
Q The first time? A He stayed here until he was about 14 years old.
Q And then he went back to Texas? A Yes, sir.
Q And you didn't see him any more until he married? A Yes, sir.
Q And you testified that you only saw Jim occasionally after the war didn't you? A I don't think I did; I say I saw him occasionally, when he went off to marry he had been off about a year and occasionally would go back to Texas.

- Q Wasn't his oldest child born in Texas before he moved up here?
A No, sir.
Q And the child was born here? A Yes, sir.
Q Bertha? A Yes, sir.
Q Out here on Lightning creek? A Yes, sir.
Q Now, was all six of these children you have named born on Lightning Creek? A Yes, sir.
Q Where did Jim die? A He died at my house.
Q And the mother of these children did? A Yes, sir.
Q George, you have been up in Missouri since the war have you?
A Yes, sir, and been to Kansas.
Q When did you go to Missouri? A I went during the time I was away but didn't stay.
Q You didn't stay in Kansas? A About 12 days.

BY COM' R NEEDLES:

- Q George, when your son, Jim was running backwards and forwards to Texas where was his children? A That was before he was married, my mother was down here and he would come to see her.
Q Did he go back to Texas after he married? A Once he went once.
Q Did he take his family? A No, sir.

BY MR. HASTINGS:

- Q Where did you see Gap Hicks first after the war? A Saw him down there at George Lynch's place. I saw him at one of these places.
Q Did you see him on Grand river? A Yes, sir.
Q Was that before you and your wife moved up here? A I saw him since.
Q The first time? A The first time I saw him.
Q Anybody else come up there with you from Fort Gibson?
A No, sir.
Q That is where you saw Millie Fyys? A I saw her there.
Q Where did you see Fred Martin? A I stopped at his house in Fort Gibson I stayed with his father, his father was kin folks to me by marriage.
Q Now, what year was that? A Little before Christmas.
Q Well, how long before Christmas? A May be five or six days.
Q Where did you Christmas at?
Q Did you get back before Christmas? A Yes, sir.

WILMORE HICKS, being duly sworn by Commissioner T. B. Needles, testified as follows: BY MR. SMITH:

- Q State your name. A Wilmore Hicks.
Q Where do you live? A Vinita.
Q How old are you? A 53.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Are you a Cherokee? A Yes, sir.
Q Do you know this applicant, George Thompson? A Yes, sir.
Q Do you know whether he was a slave or not? A He lived with Joe Thompson, he was supposed to be a slave.
Q Who was Joe Thompson? A Cherokee.
Q Where was he living at the time the war came up?
A He lived on Grand river.
Q In what Nation, Cherokee Nation? A Cherokee Nation.
Q Well, this applicant, George Thompson, where was he living at the time the war came up? A Well, old Joe Thompson had moved from where he was living, moved down below somewhere I don't know where he was when the war came up.
Q Down below, what do you mean by that? A He moved below there.
Q Was he in or out of the Cherokee Nation? A I could not say.
Q When did you first see this applicant, George Thompson, in the Cherokee Nation after the war? A I seen him here in December or January of '66 or '67, in December or January there right before or after Christmas.

BY COM'R NEEDLES:

Q Do you mean December of '66, or January of '67? A Yes, sir.

BY MR. SMITH:

Q Where did you see him? A On Grand river, Flint District.

Q Did you see him once or more than once? A I saw him two or three times.

Q At whose place did you see him? A At the old Lynch place.

Q How long was it after you saw him the first time until you saw him the second time? A It was right along two or three days apart I expect.

Q Do you know where he has been living since that time, do you know where he lives now? A Not exactly.

Q Have you seen him since you saw him there in December of '66 or January of '67? A Yes, sir.

Q Have you seen him a few times or have you seen him often?

A I have seen him several different times, not so often.

Q You don't know where he lives now? A Not exactly, he told me where he lives.

BY MR. HASTINGS:

Q At which Lynch's place did you see this man first after the war? A Old Joe Lynch place.

Q Who was living there at that time? A Crap and Art.

Q That was on the grand river, the other side? A Yes, sir.

Q How far was that from where Joe Thompson now lives?

A It is three miles I reckon.

Q Are you positive that you saw this man up there in December of '66 or January of '67? A That is the best of my recollection.

Q Are you positive of that? A Well, I think I am, I know him.

Q You knew him before the war did you? A Yes, sir; of course when I seen him again right after the war I knew him.

Q You are willing to testify that you saw him there December of '66 or January of '67? A That is the best of my recollection, I am willing to swear that is the best of my recollection it was that.

Q Well, who was with him when you saw him up there?

A He was there at Crap, Art and George, was all there at the same place, I didn't see him come or go away, I don't know how he got there.

Q Didn't see anything of his family? A No, sir.

Q You didn't see them? A No, sir.

Q You don't know where they were? A No, sir.

Q Stayed there a few days did he? A I think he did, the best I can recollect I saw him two or three different days.

Q You say him at the same place? A Seems to me like I saw him at a different place the next time I saw him.

Q Do you remember where you saw him? A I think it was at Sallie Wrights, at the old Lynch place.

Q About how old were you at that time? A I was 18, right at it.

Q What makes you think that was in the December of '66 or January of '67? A I was working for Bill Foreman on Cabin Creek and I went home.

Q When? A That same winter.

Q And you are willing to be positive about that? A Yes, sir.

BY MR. SMITH:

Q Did you know his wife, Rhoda? A No, sir.

MILLIE E FRYE, being duly sworn by Commissioner T. B. Needles, testified as follows: BY MR. SMITH:

Q State your name? A Millie E Frye.

Q How old are you? A 64 years old.

Q Do you know this applicant, George Thompson? A Yes, sir.

Q How long have you known him? A Oh, I knowed him before the war.

Q Was he a slave? A Yes, sir.

George Thompson, et al.--8.

Q Was he a slave? A Yes, sir.

Q To whom did he belong? A Joe Thompson.

Q Do you know where George was living at the time the war commenced?

A No, sir, he was living over across the river, on Rock Creek, I never was there but I knowed him.

Q Where did you see him? A I saw him at our house, down there in Saline at Martin's place.

Q Was Joe Thompson a Cherokee Indian? A Yes, sir.

Q Do you know when George Thompson first came back to the Cherokee Nation after the war? A No, sir.

Q When did you first see him? A I don't know I see him there in Vinita every once in a while.

Q Do you know where he is living? A No, sir, never was at his house.

Q Can you state how long it was after the war it was before you saw him? A No, sir.

Q Did he have a name named James? A I don't know.

Q Did you know Rhoda before the war? A Yes, sir.

Q Was she a slave? A Yes, sir.

Q Who did she belong to? A She first belonged to Joe Martin and Joe Martin sold her to Joe Thompson, I knowed her father and mother.

BY MR. HASTINGS:

Q Millie, after the war in '66, December of '66, you were living on Grand river weren't you? A Yes, sir.

Q How far did you live then from the, where the Lyndham Art Williams and Crap Lynch and then? A About ten miles.

FRED MARTIN, being first duly sworn, by Commissioner

T. B. Needles, testified as follows: BY MR. SMITH:

Q State your name? A Fred Martin.

Q How old are you? A 45.

Q Where do you live? A Up on Grand river.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Do you know this applicant, George Thompson? A I do.

Q How long have you known him? A Been knowing him ever since I was quite a boy.

Q Were you out of the Cherokee Nation during the war Fred?

A No, sir.

Q Where did you see George Thompson after the war in the Cherokee Nation? A First saw him at Fort Gibson.

Q Well, when? A It was in the fall of '66.

Q At what place, at Fort Gibson? A At my father's house.

Q How long did he stay there? A He didn't stay there but a short time.

Q Do you know how long, day, two days, week? A Day or two something like that; I don't remember just how long it is he stayed.

Q Do you know where he went after he left there? A No, sir.

Q About what time in '66 was that? A It was tolerably late in the fall.

BY MR. HASTINGS:

Q Who was with him? A There was a young fellow with him, a boy-like fellow, called Alf.

Q Do you know his other name? A I think didn't at that time, I do since.

Q What is it now? A Call him Alfred Bell.

Q Was his wife with him? A No, sir.

Q What time did you leave Fort Gibson? A Left there the first part of the winter of '66.

Q About December? A Along in the first part of the winter.

Q Where did you move to? A Moved up to the Nick McNair place on Grand river.

Q Did this old man stay all night in your house before he left?

A I think he did.

Q You are positive you saw him at your husband's house in the fall of '66? A Yes, sir.

Q Any other before the witness left? A Yes, sir.

George Thompson, et al.--9.

Q Anyway before Christmas of 1869? A Yes, sir.

Q How old were you? A I am 45 years old now, the first day of last May past.

Q You were seven years old then? (No response.)

Q Were you? A Seven or more than seven.

Q Where was your father living at that time? A He was living in Fort Gibson.

COM'R REYNOLDS: George Thompson applies for the enrollment of himself, his two children, Sallie, 18 years of age, and Jesse, 17. Also applies for the enrollment of six grandchildren, to-wit: Bertha Thompson, Fred, Robert, Leviticus, George and Joe. He also applies for the enrollment of his wife, Rhoda. He avers and the proof shows that he was a slave. He avers that he left the Cherokee Nation during the war and returned in 1866 or 1867 and afterwards brought his wife, Rhoda, and his child, James, the father of the grandchildren for whom he applies. His testimony of the applicant is that he brought his family to the Cherokee Nation in 1867 and that he himself returned in 1866. He himself and his two children, Sallie and Jesse are identified upon the Kern-Clifton roll; his wife is identified upon the Kern-Clifton roll and he upon the Wallace roll. The name of his son, James Thompson, now deceased cannot be found upon any of the rolls except the Kern-Clifton roll. He avers that his son, James Thompson, married one Cornelia, now deceased, in the state of Texas, who is the mother of the grandchildren for whom he applies. They are all duly identified according to the page and number of the rolls as indicated in the testimony and makes satisfactory proof as to residence. Because of the fact that his name does not appear upon the authenticated roll of 1880 and protest of the Cherokee Nation as to his enrollment, the said George Thompson and his wife, Rhoda Thompson, and his two children, and his six grandchildren as enumerated herein, will be listed for enrollment as Cherokee Freedmen upon a doubtful card. He will be notified of the decision of the Commission in the premises.

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J. O. Rossion, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rossion

Subscribed and sworn to before me this 11th day of July, 1901.



Commissioner.

R 70858

GO HOLYOKE

Report Progress

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The Holyoke Press, Holyoke, Mass., is the only printer in the city who can print and bind books, pamphlets, and all kinds of printed matter. We have a large stock of type and printing materials, and our work is done in the most thorough and economical manner. We are prepared to do all kinds of printing, and our prices are the lowest.

THE HOLYOKE PRESS

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Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 9, 1901.

In the matter of the application of George Thompson for enrollment as a Cherokee Freedman.

Appearances:

Mr. Smith, of Mellette & Smith, for applicant, attorneys.
Mr. V. V. Hastings, of attorneys for Cherokee Nation.

TESTIMONY ON BEHALF OF THE CHEROKEE NATION.

JOE L. THOMPSON, being sworn by Commissioner Needles, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A Joe L. Thompson.
Q What is your age? A I am 52.
Q What is your post-office? A Vinita.
Q Are you a Cherokee citizen by blood? A Yes sir.
Q Were you in the Cherokee Nation before the war? A Yes sir.
Q Did you ever own a colored man by the name of George Thompson?
A Yes sir.
Q Did you ~~own~~ own one when the war came up? A Yes sir.
Q Where were you living when the war came up? A When the war come up I was living down near where Chouteau is now.
Q On Grand River? A Yes sir.
Q Well what did you do with this colored man that you owned by the name of George? A I taken him to Texas, about, oh I couldn't be positive, about the latter part of '61 I guess it was.
Q When did you come back from Texas? A I come back in December, I got back to Fort Gibson in December of '67.
Q Well about how long had you been on the trip? A Oh I don't know, 15 or 20 days.
Q You had come straight from Texas up there? A Yes sir.
Q What part of Texas did you live in '66 and '6 and '7, until the time you left; before the war until you left? A I lived in Belleville, in Rusk County up until December, '67, last years.
Q When did George Thompson quit living with you? A He quit living with me right after the war.
Q Well what did he do then? A Run a blacksmith shop on Johnson's Creek in Rusk County, Texas.
Q How far was that from where you lived? A About 8 or 10 miles.
Q You see him frequently? Up until the time you left? A Yes sir.
Q Where was he when you left down there? A He was running a blacksmith shop right about the same place, on Johnson's Creek, Rusk County.
Q In Texas? A Yes sir.
Q Was he married then Mr. Thompson? A Yes sir.
Q What was his wife's name? A Rhoda.
Q You know whether they had any children or not? A Yes, he had one or two children of his own if I remember right, and a step-daughter older than his own children.
Q Was his wife a Cherokee slave or not? A Yes sir.
Q Did she belong to you? A She belonged to me and I took her down there; I bought her from Joe Martin.
Q Now if I understand you, after he was free, or after the war, up until the time you left, this George Thompson ran a blacksmith shop in the neighborhood there? A Yes sir.
Q Did you see him frequently? A Yes sir.
Q Did you ever hear of his coming up here before you did? A No sir, I never did.
Q Did you ever see him after you come up here? A Yes, he made one trip after I come, but it was along in the '70s; first time ever I

George Thompson 2 (sup)

saw him after I left him in Texas.

Q Did he have his family with him then? A No, he come on a trip, left his family so he told me himself; that's all I know.

Q You had a talk with him? A Yes sir.

Q Told you his family was in Texas at that time? A Yes sir.

Q Well about how many years after you come, your best judgment?

A It must have been 6 or 7 years after I left there first I saw him.

Q Come to see you did he? A Yes sir.

Q You asked him about the folks in Texas? A Yes sir.

Q Told you his family was there? A Yes sir, told me his family was there.

Q What did he say he come up here for? A Well he come up to look out a location. Wanted to come to the country; that's the way he talked.

Q Did you see his family after they come or not? A No sir I never have seen his family; they come from Texas and located out here on Lightning Creek, or some where, about Rayden, wherever that is; I never have seen his family since he come here; I have seen him; saw him not long ago.

Q He was a blacksmith was he? A Yes sir.

BY MR. SMITH:

Q Mr. Thompson, where were you when the war closed? A I was in Rusk County, Texas.

Q At what point? A That is, I don't know I was right there when the war closed; there is where I made my home. My family lived there; I was in the army when the war closed.

Q Where were you? A In the Choctaw Nation best I can recollect.

Q In what company, brigade? A I was in Watie's Brigade.

Q General Stan Watie? A Yes sir.

Q And how long then was it from the time the war closed until you went back to Rusk County, Texas; what month did you go back to Rusk County, Texas? A Oh I don't know what month; but I went home as soon as I got leave.

Q Did you go to Rusk County during the time some year that the war closed? A Yes sir, I guess I did.

Q How long did you stay in Rusk County, Texas, before you came back to the Cherokee Nation? A Well I stayed there anyhow the best part of 2 years.

Q What was your occupation there? A I run a blacksmith shop myself, in Bellview, Rusk County, Texas.

Q And you stayed there until some time in the fall of '67? A December, '67, my recollection.

Q Well, all the time in Bellview? A Best part of the last 2 years, yes sir.

Q Well what was the longest period of time during that 2 years that you didn't see George Thompson? A Oh I couldn't be positive, I saw him every once in a while; I couldn't be positive of the date, it has been so long, nothing to keep dates for.

Q Would it be as much as 6 months that you wouldn't see him? A No sir, it wouldn't be that long, because I used to make crops down there, I had kinfolks down there and it seemed more like home than anywhere else.

Q Where was that? A On Johnson's Creek, in Texas.

Q When did George Thompson establish that place? A Right after he left me.

Q When did he leave you? A Right away after the war.

Q Was your slave I believe? A Yes sir.

Q You are a citizen of the Cherokee Nation? A Yes sir.

Q Are now? A Yes sir.

Q And were before the war? A Yes sir.

Q Where did he leave you, at what point? A I was living on Johnson's Creek at that time.

Q Where was George when you were in the army? A He was working for an uncle of mine, running a blacksmith shop.

Q At what point? A Right there on Johnson's Creek, same place.

Q Was he there when you first returned to Rusk County, Texas?

A Yes sir.

Q Can you state whether it was the summer, fall or winter following the time when peace was declared that you went to Texas? A No. I couldn't be positive about that, it has been so long.

Q When you found George in Rusk County, Texas, ~~where you encountered~~ at the time you returned there after the war how long had it been since you had seen him? A Oh it hadn't been long; we would make trips back there once in a while when we could get off from the army to go.

Q About how long? A I couldn't be positive as to dates.

Q Had it been as much as six months? A Yes sir, I guess it would.

Q How did you stay on Johnson's Creek before you went to Bellview? A As soon as the war was over I didn't stay but a little while; I went right to Bellview and ran a shop.

Q You established yourself in Bellview then shortly after you returned to Texas after the war? A Yes sir.

Q Were you in Bellview during the entire year of 1866, the year following the war? A Yes sir, made my home there.

Q Well, ~~where~~ were you away at any time? A Why no, no more than probably a day or two at a time; never no lengthy time.

Q Now during the year that followed your commencing the blacksmith business in Bellview there would be periods of time that you didn't see George Thompson; what would you state was the longest period of time that you wouldn't see him? A I couldn't be positive about how long it has been; it would be once in a while.

Q Give us your best judgment? A It is hard to recall back 40 years when there was nothing to keep the dates for.

Q Would it be three or four months at a time you wouldn't see him?

A Might possibly be two or three months at a time; I wouldn't be positive.

Q Might possibly be longer than that? A I don't think it was.

Q But you can't be certain about it? A No sir.

Q Now when you left Texas to come back to the Cherokee Nation what did you say was the date of that trip? A December, '67.

Q You remember what date of the month? A Along about the first day, I won't say positively, right along about the first of the month though.

Q And you didn't see George Thompson then after you came back to the Cherokee Nation for several years? A No sir.

Q Now where was Rhoda Thompson during this time that you speak of?

Q She was at their home there where they lived.

Q She was a slave too? A Yes sir.

Q She your slave? A Yes sir.

Q At the beginning of the war? A Yes sir.

Q Here in the Cherokee Nation? A Yes sir.

Q Now where did you last see Rhoda while the war was going on, before it closed? A I haven't seen her since the war ended.

Q Haven't seen her at all since the war ended? A No sir; oh I saw her too just a little while there in Rusk County, but I haven't seen her here since I come to this country at all.

Q Did you see her on that first trip you made back to Johnson's Creek after you left the army? A Yes sir.

Q And you didn't see her after that at all? A Oh yes, I saw her several times after that a little bit;— they were living there on Johnson's Creek.

Q How long after you first went to Johnson's Creek after you left the army was it until the last time you saw Rhoda? A I couldn't tell you how long that has been; it is a hard matter to keep dates that far back when a man didn't have nothing to keep dates for. I haven't seen Rhoda though since I left Rusk County, I can tell you that.

Q You don't know how long it had been before you left Rusk County that you saw her? A Hadn't been a great while, but I couldn't say positively how long; I haven't saw her at all since they come to the

George Thompson (sup'1) 4

country.

Q How long had it been before you left Rusk County since you saw George Johnson? A It was not but a little while, I had some business down there on Johnson Creek, and it was not but a little while since I saw him.

Q Possibly 3 or 5 months? A It wasn't but a little while.

Q You don't know where Rhoda was? A She was there; that's what he said.

Q How come him to say anything about it? A I asked him about his family; and then after he made a trip up here I asked him about his family and he said they were in Rusk County; that's all I know.

Q That's when you saw him up here at the time you described awhile ago? A Yes sir, he said his family was in Texas then.

Q At that time? A Yes sir.

BY MR. HASTINGS:

Q You had some relatives down there in that county? A Yes sir.

Q You kept up with them and their trips? A Yes sir, frequently made trips down there.

Q Keep up with your old slaves down there? A They were close there, right on the same plantation there.

Q That had been your home down there during the war? A Yes sir.

COMMISSIONER WARDEN: This testimony will be made a part of the record in the original case of the applicant; copy thereof will also be filed and made a part of the record in Cherokee Freedmen Doubtful cases 1026 and 1027.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green

Subscribed and sworn to before me this November 14, 1901.

J. D. Carr
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO RE-EVALUATE LANDS

FILED
AUG 1 1907

Handwritten signature

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment
as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by
W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified
copy of the decree of the Court of Claims in the case of
John Whitmire, Trustee for the Freedmen, vs. The Cherokee Nation,
No. 11202 filed in the Mariah Hayden case F. D. 406, a part of the
record in this case and the cases hereinafter mentioned by refer-
ence to the said case of the said Mariah Hayden, and if it be deemed
necessary that a copy of the said decree be filed in this case and
in the following cases, to-wit:

See Thompson, D 825;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the intro-
duction of the decree because, First: It does not tend to show that
the applicant was a slave of the Cherokee Nation at the beginning
of the war, nor that he returned within the time specified in the
Treaty of 1865, or that he had been a contiguous resident of the
Cherokee Nation since that time, or that he is a descendant of such
a person. Second: Because the same is incompetent, irrelevant
and immaterial, and does not tend to prove an issue in this case.
Third: Because the Commission will take judicial knowledge of all
laws, treaties and decrees necessary for the determination of the
right of any person who makes application for citizenship.
Fourth: The Cherokee Nation objects to the filing of a certified
copy of this decree in the case of an applicant unless the same is
called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be un-
certained and the decree of the Court of Claims filed in the case
of Mariah Hayden will be made a part of the record by reference in
all the cases above named with the exception of those which come
within the provisions of the temporary injunction recently granted
by Judge Gill of the United States Court, of the Northern District,
Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named
cases including the Mariah Hayden case that counsel for the appli-
cant be allowed within thirty days to file any of the proof in any
or all of the record other than the decrees already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George Thompson Sr. et al., as Cherokee freedmen, consolidating the applications of

George Thompson Sr. et al	Cherokee Freedmen D 858
George Thompson Jr.	Cherokee Freedmen D 1026
John Thompson	Cherokee Freedmen D 1027

DECISION.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by George Thompson Sr. for himself, his wife, Rhoda Thompson, his minor children, Sallie and Jesse Thompson, and his grandchildren, Bertha, Fred, Robert, Leviticus, Georgia and Joe Thompson; by George Thompson Jr. for himself; and by John Thompson for himself.

The evidence shows that the said George Thompson Sr. and Rhoda Thompson were the slaves of a Cherokee citizen at the commencement of the rebellion; that they were taken to Texas during the rebellion and did not return to the Cherokee Nation prior to February 11, 1867.

That the grandchildren, applicants herein, are the descendants of one James Thompson and his wife, Cornelia, a non-citizen. The said James Thompson is the son of George Thompson Sr., and his wife Rhoda, and was the slave of a Cherokee citizen, together with his parents, at the commencement of the rebellion, and was removed from the Cherokee Nation during said rebellion, but did not return thereto until after the date last mentioned. The said children for whom application was made by their grandfather, can acquire no rights not possessed by their said deceased father, they having been born subsequent to 1866.

The evidence further shows that all the other applicants herein are the descendants of said George Thompson, Sr. and Rhoda Thompson, born since 1866, and have no rights to enrollment except such as they may have derived through their said ancestors. None of the names of the applicants herein are found on the 1860 authenticated Cherokee roll.

The evidence further shows that the said Leviticus Thompson died on December 8, 1901.

Section twenty-five of the act of Congress approved July 1, 1902 (32 Stats., 716), provides:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

It is, therefore, the opinion of this Commission that the applications for the enrollment of George Thompson, Sr., Rhoda Thompson, Sallie Thompson, Jesse Thompson, Bertha Thompson, Fred Thompson, Robert Thompson, Georgia Thompson, Joe Thompson, George Thompson, Jr., and John Thompson, as Cherokee freedmen, should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered; it is further ordered that the application for the enrollment of Leviticus Thompson as a Cherokee freedman be, and the same is, hereby dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED:

Tamc Bixby.

Chairman.

SIGNED:

T. B. Needles.

Commissioner.

SIGNED:

C. H. Breckinridge.

Commissioner.

Commissioner /

Dated at Muskogee, Indian Territory,

this

JUL 28 1904

310858

DEPARTMENT OF THE INTERIOR,
COMMISSIONER OF THE CIVILIZED TRIBES

FILED
SEP 20 1901



ACTING COMMISSIONER

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, Aug 26, 1901

Received of the Commission to the Five Civilized
Tribes one copy of the testimony in the matter of the
application of George Thompson et al for en-
rollment as Cherokee Freedmen.

Cherokee Freedmen # 10858

Wm. H. Smith
att'y. for applicants

NAD 858

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
day of..... A. D. 1901

Given under my hand this.....
day of..... A. D. 1901.

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the

SEP 20 day of 1901, 1901.

M. M. Mullett
.....
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to.....

.....
on the..... day of..... A. D. 1901

.....
Subscribed and sworn to before me
this..... day of..... A. D. 1901.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 21 1901

[Signature]
ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of George Thompson
for enrollment as a Cherokee citizen:

Case No. D 858

To George Thompson or Mellette A. Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory. Indian Territory, on Oct. 9th 12 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 18 1901

L. B. Bell
W. M. Hastings
Attorneys for the Cherokee Nation.

COPY.

Cherokee Freedmen

D-858.

Muskogee, Indian Territory, July 26, 1904.

George Thompson Sr.,

Hayden, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 23, 1904, rejecting, among others, your application for the enrollment of yourself, your wife, Rheda Thompson, your children, Sallie and Jesse, and your grandchildren, Bertha, Fred, Robert, Georgia and Joe Thompson, as Cherokee freedmen, and dismissing the application for the enrollment as a Cherokee freedman, of your grandchild, Leviticus Thompson, he having died prior to September 1, 1902. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in this case, has this day been forwarded the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

T. B. Nease

Encl. B-120.

Commissioner in Charge.

Register.

COPY.

Cherokee Freedmen

D-858.

Muskogee, Indian Territory, July 26, 1904.

Edgar Smith,

Attorney for George Thompson Sr., et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 27, 1904, rejecting, among others, the application of George Thompson Sr., for the enrollment of himself, his wife, Rhoda Thompson, and their seven minor children, Sallie, Jesse, Bertha, Fred, Robert, Georgia and Joe Thompson as Cherokee freedmen, and dismissing his application for the enrollment, as a Cherokee freedman, of his minor child, Leviticus Thompson, he having died prior to September 1, 1902. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings, has this day been forwarded to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

T. B. Needles.

Encl. B-124.

Commodore in Charge.

COPY

Cherokee Freedmen

D-258-1026-1027.

Waskage, Indian Territory, July 26, 1904.

Hastings, Bell & Devenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the consolidated case of George Thompson Sr., et al., dated July 23, 1904, rejecting the applications for the enrollment of George Sr., Rhoda, Mallie, Jesse, Martha, Fred, Robert, Georgia, Joe, George Jr., and John Thompson as Cherokee freedmen, and dismissing the application for the enrollment of Leviticus Thompson, he having died prior to September 1, 1902.

The decision, with the record of proceedings, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

I. B. Needles

Commissioner in Charge.

Encl. 2-125.

Cherokee Freedmen

D-228, et al.

Muskogee, Indian Territory, July 26, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of George Thompson Sr., et al., including the Commission's decision dated July 27, 1904, rejecting the applications for the enrollment of George Sr., Rhoda, Sallie, Jesse, Bertha, Fred, Robert Georgia, Joe, George Jr., and John Thompson as Cherokee freedmen, and dismissing the application for the enrollment of Leviticus Thompson, he having died prior to September 1, 1902.

Respectfully,

Encl. B-186.

I. B. Needles
Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

Refer in reply to OFFICE OF INDIAN AFFAIRS,
the following:

WASHINGTON, September 7, 1904.

Land

52069-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated July 26, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by George Thompson, Sr. for himself, his wife Rhoda Thompson, his minor children, Sallie and Jesse Thompson and his grandchildren, Bertha, Fred, Robert, Leviticus, Georgia and Joe Thompson; by George Thompson, Jr. for himself, and by John Thompson for himself.

July 23, 1904, the Commission decided adversely to the applicants.

The record shows that the principal applicant, George Thompson, Sr. and his wife, Rhoda, were the slaves of a Cherokee citizen at the beginning of the war of the rebellion; that they were taken out of the Cherokee Nation during the war and did not return to the Nation on or before February 11, 1867; that the grandchildren are the descendants of James Thompson who was a slave of a Cherokee citizen at the beginning of the war of the rebellion; that he was taken out of the Cherokee Nation during the war and did not return on or before February 11, 1867. These

grandchildren were born since 1866 and can acquire no rights not possessed by their parents or grandparents.

The evidence further shows that all of the other applicants are descendants of George Thompson, Sr., and Rhoda, his wife, and were born since 1866 and have no rights to enrollment except such as they may have derived from their ancestors.

None of the applicants has been identified on the 1880 authenticated Cherokee roll.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

W. A. Jones

Commissioner.

M.H.N.
W.

D. C. 38216-1904.
ITD 7252-1904.

460

W.C.F.
WHR.

(COPY)

Y.P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON. September 23, 1904.

Commission to the

Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

July 26, 1904, you transmitted the record of proceedings had in the consolidated case of George Thompson, Sr., et al., including your decision of July 23, 1904, rejecting the applications for the enrollment of George, Sr., Rhoda, Sallie, Jesse, Bertha, Fred, Robert, Georgia, Joe, George Jr., and John Thompson, as Cherokee freedmen, and dismissing the application for the enrollment of Leviticus Thompson who died prior to September 1, 1902.

Reporting in the matter September 7, 1904, the Commissioner of Indian Affairs recommended the approval of your decision adverse to the applicants. A copy of his report is inclosed.

The Department concurs in the Commissioner's recommendation and your decision of July 23, 1904, adverse to the said applicants is hereby affirmed..

Respectfully,

(Signed) Thos Ryan

1 inclosure.

Acting Secretary

COPY.

Cherokee Freedmen
D-550

Muskogee, Indian Territory, October 23, 1904.

George Thompson, Sr.,
Hayden, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 23, 1904, rejecting, among others, the application for the enrollment of yourself, your wife, Rhoda Thompson, and children, Sallie, Jesse, Bertha, Fred, Robert, Georgia, and Joe Thompson, and dismissing the application for the enrollment of Leviticus Thompson, as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 23, 1904.

Respectfully,

(SIGNED) *Tame Dixby*
Chairman.

COPY.

Cherokee Freedmen
D-388 et al.

Muskogee, Indian Territory, October 25, 1904.

Edgar Smith,

Attorney for George Thompson Sr., et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated July 25, 1904, rejecting the applications for the enrollment of George Sr., Rhoda, Sallie, Jesse, Bertha, Fred, Robert, Georgia, Joe, George Jr., and John Thompson and dismissing the application for the enrollment of Leviticus Thompson as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 23, 1904.

Respectfully,

SIGNED:

Tamm Bixou

Chairman.

COPY.

Cherokee Freedmen
D-858 et al.

Muskogee, Indian Territory, October 25, 1904.

Bell, Hastings and Davenport,
Attorneys for Cherokee Nation,
Vinita Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision, dated July 23, 1904, rejecting the applications for the enrollment of George Sr., Rhoda, Sallie, Jesse, Bertha, Fred, Robert, Georgia, Joe, George Jr., and John Thompson and dismissing the application for the enrollment of Leviticus Thompson, as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 23, 1904.

Respectfully,

SIGNED

James Birby
Chairman.

COPY.

Cherokee Freedmen
D-558 ~~cc ad~~

Muskogee, Indian Territory, October 25, 1904.

George Thompson, Sr.,
Hayden, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated July 23, 1904, rejecting the application for the enrollment of yourself, your wife, Rhoda Thompson, and children, Sallie Thompson, Jesse Thompson, Bertha Thompson, Fred Thompson, Robert Thompson, Georgia Thompson and Joe Thompson, as Cherokee freedmen, and dismissing the application for the enrollment of Leviticus Thompson, was affirmed by the Secretary of the Interior on September 23, 1904.

Respectfully,

(SIGNED) *Tamie Dixby*
Chairman.

(COPY)

Y.P.
LLB

D.C. 16402-1906
I.T.D. 7252-1904
8482, 8483,
8543, 8586-1906

DEPARTMENT OF THE INTERIOR
WASHINGTON

L R 8

May 2, 1906

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In view of the provision in section 3 of the act of April 26, 1906 (Public No. 129), relative to Cherokee freedmen, two motions for review filed September 7, 1906, in the case of George Thompson, Sr. et al., the subject of departmental letter of September 23, 1904, of the filing of which motion you were advised January 18, 1906, and a motion for review in the case of John Thompson, apparently the John Thompson case consolidated with that of George Thompson, Sr., are hereby dismissed. Said section 3 of the act mentioned provides:

The roll of Cherokee freedmen shall include only such persons of African descent, either free colored or the slaves of Cherokee citizens and their descendants, who were actual personal bona fide residents of the Cherokee Nation ~~actually~~ returned and established such residence in the Cherokee Nation on or before February Eleventh, eighteen hundred and sixty-seven; but this provision shall not prevent the enrollment of any person who has heretofore made application to the Commission to the Five Civilized Tribes or its successor and has been adjudged entitled to enrollment by the secretary of the Interior."

It is admitted in one of the motions that the principal applicant, through whom the others claim, was not an "actual personal bona fide" resident of the Cherokee Nation until long after February 11, 1867.

The Indian Office has been requested to advise the local attorneys filing said motions of this action.

Respectfully,

(Signed) THOS RYAN
First Assistant Secretary

Cherokee Freedmen

R-767.

Waukegee, Indian Territory, May 28, 1906.

George Thompson, Sr.,

Hayden, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed by your attorneys September 7, 1905, for a review in your Cherokee freedman-enrollment case, was dismissed by the Department May 2, 1906.

Respectfully,

LS

Commissioner.

Cherokee Freedmen

R-757.

Muskogee, Indian Territory, May 28, 1906.

Blue & Bulger,

Attorneys for George Thompson, Sr.,

Vinita, Indian Territory.

Gentlemen:-

You are hereby advised that the motions filed by you September 7, 1905, for review in the Cherokee freedmen enrollment cases of George Thompson, Sr., and others, named in the Department's letter of May 2, 1906, were denied by the Department in said letter.

For your information, there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Commissioner.

Incl. S-121.
LS

Cherokee Freedmen

R-757

D-1026-7

Muskogee, Indian Territory, May 28, 1906.

Bell, Hastings & Davenport,

Attorneys for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:-

You are hereby advised that the motions filed September 7, 1906 by attorneys for applicants in the Cherokee freedmen enrollment cases of George Thompson, Sr., and others, named in the Departments letter of May 2, 1906, a copy of which is enclosed herewith, were denied by the Department in said letter.

Respectfully,

Commissioner.

LA
Incl-1

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COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 25 1901

70858

①

CHEROKEE FREEDMEN.

JUN 25 1901

Date

Post Office

District

Hayden, Tn.
Cov

1. Name George Thompson Age 66
 Owner's name Joe Thompson Citizenship Cherokee
 Year K.C. Page 172 No. 4225 District Cov

Parents:

Father

Citizenship

Mother

Citizenship

2. Name of wife Rhoda Thompson Age 68
 Owner's name _____ Citizenship _____
 Year K.C. Page 172 No. 4226 District Cov

Parents:

Father

Citizenship

Mother

Citizenship

Deed

Names of Children:

3. <u>Jullie Thompson</u>	Year <u>K.C.</u>	Page <u>172</u>	No. <u>4225</u>	Dist. <u>Cov</u>	<u>18</u>
4. <u>Jess</u>	Year <u>"</u>	Page <u>72</u>	No. <u>4225</u>	Dist. <u>"</u>	<u>17</u>
5. <u>Betha Thompson</u>	Year _____	Page _____	No. _____	Dist. _____	<u>18</u>
6. <u>Fred</u>	Year _____	Page _____	No. _____	Dist. _____	<u>17</u>
7. <u>Robert</u>	Year _____	Page _____	No. _____	Dist. _____	<u>15</u>
8. <u>Leviticus</u>	Year _____	Page _____	No. _____	Dist. _____	<u>12</u>
9. <u>Georgia</u>	Year _____	Page _____	No. _____	Dist. _____	<u>9</u>
10. <u>Joel</u>	Year _____	Page _____	No. _____	Dist. _____	<u>7</u>
11. _____	Year _____	Page _____	No. _____	Dist. _____	
12. _____	Year _____	Page _____	No. _____	Dist. _____	

Application made by

No. 1

Stenographer

J. O. Ross

On K.C. roll as Jess Thompson
1 " Wallace roll P. 144 * 3550 - Cov
5, 6, 7, 8, 9, and 10, Birth affidavits required.

Represented by Mellott and Smith

L. J. 1000

MAR 22 1902

[Signature]

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. George Thompson,

Hayden, I. T.

Cherokee-F-D-858.

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cher. Fr. R. 758.

Trans. from C. Fr. D. 860

Cher. Fr. R. 758

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. June 25th 1901.

In the matter of the application of Annie Sims for the enrollment of herself and four children as Cherokee freedmen; she being sworn by Commissioner T. E. Needles, testified as follows-

Joe Sequichie agent for the applicant.

James Davenport attorney for the Cherokee Nation.

By Com'r Needles,-

- Q What is your name? A. Annie Sims.
Q What is your age? A. 34.
Q What is your post office address? A. Hayden.
Q In what district do you live? A. Geowescoowee.
Q What is your fathers name? A. Ellis Warn.
Q What is your mothers name? A. Amanda Warn.
Q Are they living? A. Mother is dead, my father is living. A. Q
Q Are you married? A. Yes sir.
Q What is your husbands name? A. Beck Sims.
Q Is he a citizen? A. No sir a state man.
Q Do you apply to be ~~enrolled~~ enrolled as a Cherokee freedman? A Yes sir
Q Who else do you desire to have enrolled at this time? A. Two children and two brothers.
Q What are the names of your children? A. Vergie C. Sims.
Q How old is she? A. 18 miles
Q Next one? A. Bryan Sims.
Q How old? A. 3 years.
Q What are the names of your ~~husbands~~ brothers? A Willis Warn.
Q How old is he? A. 26 years old, he is in prison.
Q What is the next one? A. Callis Warn
Q How old is he? A. 29 years old
Q Where are these brothers? A. One is in prison and one is on Lightning creek.
Q Is your name on any of the mills? A. No sir.
Q On none of them? A. No sir.

By Sequichie.

- Q What time of the year, I mean how long since your mother has been dead? A. 18 years.
Q Where were you born? A. I dont know.
Q Where were you when you first remember? A. On Lightning creek, at Mr. Haydens.
Q Was you raised there? A. Yes sir.
Q Are you married? A. Yes sir.
Q When did you marry? A. In 1883.
Q Where did you marry? A. In Savage
Q How long were you there before you married? A. A year, I went to school there.
Q How long did you go to school before you married? A I went one term and met the man I married and came back and went back and married him, I guess I first met him 3 years before I married him
Q Did you return to the Cherokee Nation after you married? A. Yes sir.
Q Right away? A. Yes sir.
Q Have you lived here continuously since? A. Yes sir.

- Q Does your husband live here? A No sir he works in the states
 Q What is his occupation? A. Brick mason.
 Q Why is he in the state of Kansas now? A. Because his trade carried him there.
 Q Do you live with him? A. Yes sir, but I come back home here and look after my property.
 Q What does your property consist of? A. I have 80 acres and some horses and my cousin has charge of it for me?
 Q What is your cousin's name? A. Joe Manley.
 Q How long have you owned this property? A. It was taken up for me when I was a girl.
 Q Do you consider this as your home? A. Yes sir.
 Q And you only live in Kansas because your husband works there?
 A Yes sir he works and I work.

By Mr Davenport-

- Q Are you a daughter than Ellis Wain? A. Yes sir
 Q What year did you first go to school in Oswego? A. I don't remember the year.
 Q How old were you? A. Good sized girl.
 Q How long have you been married? A. I married in '85.
 Q Since then where have you and your husband resided? A. I come here and look after my property all the time.
 Q Have you and your husband ever kept house here? A. No sir, I make my father's my stepping place when I come home.
 Q You have never lived here? You live in Oswego and keep house there? A. Yes sir.
 Q You have really lived there ever since 1880 and kept house there all that time? A. Yes sir.
 Q You came from Oswego the week before last at Chalisa? A Yes sir.
 Q Four children are in Oswego now? A. Yes sir.
 Q How many have you there? A. Two.
 Q Where were they born? A They were born in the Cherokee Nation.
 Q You lived in Kansas and your children were born in the Nation?
 A Yes sir I come home to have them.
 Q What were these children born? A. Amanda
 Q What were these children born? A One was born in '86 and one in '88

By the Commission;

- Q Where are these children now? A. Oswego.
 Q Have they lived there continuously since their birth? A. Yes sir they live there but they come here for the summer.
 Q They just come here for a visit during the summer don't they? A Yes sir.
 Q Was your mother a slave? A. Yes sir.
 Q Who did she belong to? A. Jack Bell.
 Q Was he a Cherokee citizen? A. Said to be.
 Q You don't know? A. No sir.
 Q Do you know if your mother went out of the Cherokee Nation during the war? A. No sir I don't.
 Q You was born after the war? A. Yes sir.
 Q With whom were you living at Oswego when you went to school? A With Mrs Fleming.

Continued by stenographer Bruce S. Jones.

Chas. von Weiss, being sworn states that as stenographer to the
Commissioner to the Five Civilized Tribes he reports in full all
the proceedings in the above cause and that the foregoing is a
full, true and correct transcript of his stenographic notes therein.

Chas von Weiss

Subscribed and sworn to before me this the 9th of July, 1901.



Commissioner.

N

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Y O U R O F F I C E

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JUL 9 1901



ACTING CHAIRMAN

W. H. ...

Y O U R O F F I C E

Annie Elms and four children.

Continued from testimony taken by Stenographer Chas. von Weise.

June 25, 1901. Before Commissioner Needles.

Allen Lynch, being duly sworn by Commissioner Needles, testified as follows:

Mr. Sequichie: What is your name? A Allen Lynch.

Q How old are you? A 61 years old.

Q What is your post office? A Vinita.

Q Mr. Lynch, do you know the applicant Annie Elms? A Yes, sir.

Q How long have you known her? A I have known her ever since '67.

Q Where did you know her first? A On Grand River.

Q How old was she when you first knew her? A Just a little bit of a thing.

Q Did you know her mother, Amanda Warren? A Yes, sir, I knew her.

Q Was she a freedman? A She used to be a slave of Jack Bell whom I knew her.

Q When did you know her? A I knew her when she was in Flint District before she went to Texas.

Q Cherokee Nation? A Yes, sir.

Q When was that when you knew her? A They went from the Cherokee Nation a good while before the war to Texas, they left here a good while before the war; Jack Bell took them to Texas.

Q Do you know when they returned? A When I saw them they were down on the River in '67.

Commissioner: What River? A Grand River.

Q Cherokee Nation? A Yes, sir, Saline district.

Mr. Sequichie: '67; that is where you first saw them? A Yes, sir, when I first saw them after they came back, her mother and George Johnson's wife was first cousins of mine, and there is where I saw her.

Q How long did they live on Grand River after that? A I think they just raised the crop there.

Q Where did they go then? A Up about Lightning Creek.

Q Do you know whether they have lived there ever since? A Yes, sir, living there now.

Q Do you know whether the applicant here, Annie Elms, lived there? A No, I don't know, no sir.

Q When was the first time that you saw the applicant on Lightning Creek? A Why I saw her about four or five years after that along up there, I can't tell you just exactly when.

Q Do you know about where this lady lives along on Lightning Creek? A Yes, sir.

Q What neighborhood, whereabouts? A Hayden neighborhood.

Q Does she live there now? A Yes, sir, lives there now.

Q You don't know about what thertime the applicant here left the Cherokee Nation? A No, sir, I don't.

Q Do you remember when she married? A No, sir, I don't know nothing about her marrying.

Q Have you seen her at any time since that time? A I don't believe I have seen her half a dozen times since they moved out; if I did I don't know her.

Q Any at all? A Yes, sir, two or three times, at Vinita and at Lightning Creek.

Q Do you know anything of her property interests here in the Cherokee Nation? A No, sir.

Annie Elms A-8.

Q Don't know anything about that? A No, sir.
Mr. Davenport: Now as I understand you, her mother and father were taken away from the Cherokee Nation by Jack Bell several years before the war? A This girl's mother and father; her mother was, yes, sir.
Q And that the next time you saw the mother was in '67 sometime?
A Yes, sir.
Q Down on the river? A Yes, sir.
Q And since this girl grew up you don't know where she has been living? A No, sir, not particular.
Commissioner: What time in '67 did you see them? A I raised a crop there at George Johnson's in the spring of '67.
Q When did you see Amanda Elms in '67? A Then.
Q What month was it? A Along in April or May.
Mr. Davenport: Was this girl there with them then? A This child or some others, he had some children, I can't say just what children they were.

John Landrum, being duly sworn by Commissioner Needles, testified as follows:

Mr. Sequichie: What is your name? A John Landrum.
Q What is your age? A 50.
Q What is your post office? A Hayden, Lightning Creek.
Q Do you know the applicant, Mrs. Annie Elms? A Yes, sir.
Q How long have you known her? A Been knowing her for about thirty years.
Q Where did you know her first? A I got acquainted with her mother on Grand River.
Q What was her mother's name? A Amanda.
Q Amanda who? A Amanda Warren her name was then; she went by that name.
Q Do you know anything about where they came or what they did after you saw them on Grand River, after you knew them? A Well they remained there until they left, when she went up on Lightning Creek.
Q Was Amanda Warren a freedman? A Yes, sir.
Q Who did she belong to? A I suppose she was sprung from the Bells.
Q How come? A Well in was quite small at that time, I can't just remember, but I knew her mother.
Q Do you know what became of them? A No, sir, I can't tell that part.
Q When was the next time you saw the family, Amanda Warren and her family? A That before the war you mean?
Q Yes, before the war? A I never did see her before the war.
Q After the war? A After the war I saw her on Grand River; there is where I saw Amanda, on Grand River.
Q When was that? A When I saw her that was in '76 on Grand River.
Q Do you know anything about how long they had been there when you saw them? A They had been there a good while I suppose.
Q Where did they go to from there? A They moved from there on Lightning Creek.
Q Do you know of the applicant, Mrs. Elms, living there? A Yes, sir, she was a small child, just a small girl.
Q Have you seen her off and on, that is from that time on, at that place? A Yes, sir.
Q Up to what time? A On from the time they moved from the river.
Q From the time they moved over there, you remember how long she lived there. A She lived there quite a while, lived there till she got a grown girl nearly.

Q Do you know anything about where she went to when she was grown?
A No, sir, not exactly.

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Q Do you know anything about where she has been since she has been grown? A Well, to tell the fact about it, I can't tell you that part.

Q Do you know anything about her property interests in the Cherokee Nation; has she got any property here? A Yes, sir, her mother.

Q What does that consist of? A Yes, sir, she has got a place, a farm; a farm, it is not any farm, but she has got a field.

Q Do you know of her having any personal property? A Well, no sir, I can't tell you that part of it; she has got a farm though.

Q What condition as to the possession of the farm, is it in?

Mr. Davenport: I object to that as immaterial.

Commissioner: It is apparently immaterial.

Mr. J. S. Davenport: You never knew the mother or father either of this applicant, before the war? A No, sir; well, I will tell you --

Q Answer yes or no. A No, sir, I didn't know them; didn't know her mother.

Q The first time you saw her mother was '76 on Grand River? A Yes, sir, on Grand River.

Q About what year did they move to Lightning Creek? A They moved there in '70, in '76.

Q And you lived on Lightning Creek from '66 up to that time, didn't you? A Yes, sir.

Q And they moved up there about '76? A Yes, sir, that is the time they lived up there.

Q You don't know of your own knowledge anything about whether or not her mother was a slave or not? A No, sir.

Q And you don't know whether she was in the Cherokee Nation at the breaking out of the war or not? A No, sir, not enough to know it myself.

Q I am speaking of your own knowledge? A No, sir, I can't tell you nothing about that part of it.

Mr. Hastings: Where has this woman been living for the last fifteen years? A Well, I can't tell you where; to tell the fact, I can't tell you where she has been living; I will tell you what I can; she comes and goes, and for me to tell you what places, Chatopa or somewhere else, I can't tell you; I sees her every time she comes I sees her.

Commissioner: Is her mother living down here, her father? A Her stepfather is.

Q What is his name? A Warren.

Q Warren is her stepfather, is he? A Yes, sir.

Q Her stepfather lives there? A Yes, sir, he lives there.

Q Where; on Lightning Creek? A Yes, sir.

Q And Annie Elms is someone else's child? A Yes, sir.

Q Has she ever lived there with her family and husband, kept house on Lightning Creek? A She did a while, that has been a good while; that was when she first married.

Q How many times has she been married? A Twice, to my knowing.

Q What was her first husband's name? A Major.

Q Major Reed? A Yes, sir.

Q Did she have any children by Major Reed? A No, sir.

Q She lived there then with Major Reed? A Yes, sir.

Q Has she ever lived there, kept house, with her present husband?

A Her husband was she has got now, well she stayed on the place; I will tell you, she stayed on the place after her mother died, when she came on Lightning Creek, when she died she had that place.

Q Did you ever see her husband? A Yes, sir.

Q You have seen Doc Elms? A Yes, sir.

Q Ever see him on Lightning Creek? A Yes, sir, every once in a while.

Q Come there in a buggy? A Well, I can't tell you how he comes.

Q Did he have any house there? A Yes, sir, I told you they had a place.

Q Did they keep house and live together? A Yes, sir; of course

Annie Elms - A 4.

I don't know as they kept house but they were on the place there.

Q How long? A I have seen them there, well about two or three weeks at a time.

Q Anybody else living on the place but there? A Right there at that place, yes, sir.

Q Who? A Warren lived with them then on the place.

Q They are down there to her stepfather? A Yes, sir.

Ellis Warren, being duly sworn by Commissioner Needles, testified as follows:

Mr. Sequichie: What is your name? A Ellis Warren.

Q What is your age? A I can't tell my age exactly.

Q What is your post office? A Hayden.

Q Do you know the applicant, Mrs. Annie Elms? A Yes, sir.

Q What relation is she to you? A She is my daughter.

Q Your own daughter? A Well, I have always called her my own daughter.

Q Did you marry her mother? A Yes, sir.

Q How old was she when you married her mother? A She wasn't here when I married her mother.

Q How old is she then? A I don't know her age exactly.

Q Where was she born? A She was born on Lightning Creek.

Q Did you live there on Lightning Creek where she was born? A Yes, sir.

Q Where did you move to from Lightning Creek? A I never moved from there, live there now.

Q Never been any other place but Lightning Creek? A I have been other places, I have never lived other places, I work anywhere and everywhere, I thresh all over the country; Lightning Creek has always been my home.

Q Has Mrs. Elms always lived with you up there until she was married?

A Yes, sir.

Q In the Cherokee Nation? A Yes, sir, only when I would have her to school; she would go to school.

Q Where did you send her to school? A Oswego.

Q How long did she go to school up there? A She would go there the school session and come back in the fall.

Q Then what did she do? A Stayed at home.

Q What year was she married? A I can't tell you that, I can't tell the dates.

Q You know how long she has been married? A No, sir, not exactly.

Q Where did she live when she married? A Lived with me when she first married.

Q Was she married at your house? A Yes, sir.

Q First marriage or second marriage? A First marriage.

Q Then when was she married the second time? A I don't know how long it has been since she has been married the second time.

Q Where was she married the second time? A She was married in Oswego the second time.

Q How long had she been up there before she married? A She hadn't been up there a great while, she came back home and went back to school and married before she came back again.

Q She was married in Oswego? A Yes, sir.

Q How long did she stay up there after she married? A About two or three months.

Q Then where did she go? A Came home.

Q How long did she stay at home when she came? A She stayed at home all that winter, pretty near all the winter, and then went back.

Q Her husband came down with her? A Yes, sir.

Q Stay there with her? A Yes, sir, until they went back to Oswego.

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Q Then where did they go? A He works up there, he is a mason.

Q Has he lived any length of time down there with you? A He stays sometimes, he comes down and stays sometimes two or three months, sometimes comes and stays all winter, and then goes back in the spring.

Q Has the applicant, Annie Elms, got any property interests in the Cherokee Nation? A She has got some horses there and she has got a place and got an interest in two farms.

Q Has she always held personal property, either in that character or others, since her mother's death? A Yes, sir.

Q Has she always had an interest of her mother's estate ever since her mother has been dead? A Yes, sir.

Q Derived any benefits from the farms in which she is interested?

A Yes, sir, one of them she does every year.

Mr. Hastings: How old is this woman? A I can't tell you her age exactly.

Q Was she born on Lightening Creek? A Yes, sir.

Q How far from John Landrum's? A Well, my home I think is about four or three miles from John Landrum.

Q You were living there when this girl was born? A Yes, sir.

Q You remember what year that was? A No, sir, it was the next year after I came to the country, I came there in the fall and she was born the next spring.

Q You came back with her mother? A Yes, sir.

Q Where did you first come to? A I first came, I camped about two weeks on the river, I came out to the country, hunting for her mother's folks.

Q And you were along with her mother? A Yes, sir.

Q And this girl wasn't born until you were over here on Lightening Creek? A No, sir, I just had her mother and one little baby.

Q And she is your daughter? A I have always called her my daughter.

Q How long had you been living with her mother when this girl was born? A Been living with her about, I guess five or six months, before she was born; we had been together pretty near a year.

Q Then you had been living with her five or six months before you moved to Lightening Creek? A I married her and brought her right on to this country, she had one little baby when I married her, going on 8 years old.

Q Where did you marry her? A I married her in the south.

Q Where did her mother die? A She died on Lightening Creek.

Q What was her first husband's name? A Warren.

Q This girl's? A She had a man named Reed.

Q Where did she marry him? A Right there in my house on Lightening Creek.

Q How long did she and Reed live together? A Why I can't tell you that exactly; they lived together some considerable time and he went off West and left her.

Q She go to school after that? A Yes, sir, went to school, for she was nothing but a child when she married him.

Q She went to school in Oswego? A Yes, sir.

Q And she was up there when she married Elms? A Yes, sir.

Q Her children were born up at Oswego? A They were born up here.

Q On Lightening Creek? A Yes, sir.

Q Both of them? A Yes, sir, both of them were born there.

Q Now you had been living with her mother five or six months before this girl was born on Lightening Creek? A Yes, sir, I had been on Lightening Creek about six months I am satisfied before she was born.

Q How long did you camp on the river then before that? A I never camped there long, I was trying to get to her mother's folks, I stayed there I reckon two or three weeks, I left her down there until I came up and then went back, I came up horseback first.

Annie Elms - A 6.

Q Then you ~~never~~ never lived over there on the river but two or three weeks before you came to Lightning Creek? A No, sir, I made a crop on Grand River but I camped on a little river before I came there.

Q Was her mother with you when you made the crop on Grand River?

A Yes, sir, she was living with her sister.

Q Were you living with her as your wife? A Yes, sir.

Q Then I understand you to say you lived with her while you made a crop on Grand River, and then came out on Lightning five or six months before this girl was born? A I came on and brought her to her sister's and then I came up ~~myself~~ Mose Hayden and there I left her and made a crop, because I had no place to make a crop.

Q You left her mother out here at Mose Hayden? A Yes, sir.

Q How far is that from Jack Landrum? A About four or five miles, and then Jack Landrum helped me to move all the things I had down there up here.

Q That is the same Jack Landrum was in here as a witness, Jack or John Landrum? A Yes, sir, I always call him Jack.

Commissioner: When was the first time you saw Amanda Warren after the war? A Why I saw her right directly after the war, right after the war ended.

Q Where? A I was down here in Denton County, Texas.

Q That is the first time? A Yes, sir.

Q When is the first time you saw her in the Cherokee Nation after the war? A I never seen her till I brought her here.

Q You married her in Texas? A Yes, sir, married her and brought her to this country.

Q When did you come here with her? A I came here just before Christmas in the fall of '66, I met Harry Still coming to this country.

Q Where did you bring her to? A Brought her down on the river and then I stopped there about three weeks and he told me where her folks was, where her sister was, and I went and got her and came out.

Q Was Amanda ever married before she married you? A No, sir.

Q And Annie was born after you married Amanda? A Yes, sir.

Q You know Annie to be Amanda's child? A Yes, sir, she is Amanda's child.

Q And you are her father? A Yes, sir, called her father.

Q Was Amanda a colored woman? A Yes, sir, a yellow woman.

Q She wasn't a full blood African? A No, sir, there is very few of them now.

Mr. Hastings: How long were you up here till you saw Allen Lynch: did you go right to his neighborhood? A I came right in his neighborhood of course; I don't know how long I was out here before I saw him but I was out here a great while.

Q You came right in his neighborhood? A Yes, sir, I came right in the neighborhood of where he lived.

Commissioner: Have you been enrolled yet by us? A Yes, sir, I have been enrolled.

Q Who did you apply for when you enrolled, who did you have enrolled besides yourself? A No one but myself.

Q You didn't apply for these children? A Their witnesses wasn't there and I didn't apply.

Q Is Willis your son? A Yes, sir.

Q Is Callie your child? A Yes, sir.

Q Are they the son and daughter of Amanda? A Yes, sir.

Q Why isn't Willis here himself? A He is in prison at Muskogee.

Q Is he married, Willis? A No, sir, he isn't now.

Q Was he ever married? A He has been married.

Q Has he got any children? A He has one.

Annie Elms A 7.

Q Where is that child? A It is with its grandmother, his wife's mother.

Q Is his wife living? A No, sir, she is dead.

Q The reason Willis isn't here to-day is, he is incarcerated in prison and can't appear? A Yes, sir.

Q Is Callie living? A Yes, sir.

Q Living with you? A Yes, he works for me all the time.

Q Callie is a boy? A Yes, sir.

Q How old is he? A About twenty something, near that.

Q He is living? A Yes, sir, he is living.

Mr. Hastings: Did you know Hooley Bell in Texas? A No, sir, I didn't.

Q Do you know whether he was living down on Cabin Creek when you came or not? A No, sir, I don't.

Q When was the first time you ever saw him here after you came out?

A I can't tell you just when I did see him the first time, I stopped amongst the colored people, and there is where I worked pretty much all the time for the first two years.

Harry Still, being duly sworn by Commissioner Needles, testified as follows:

Mr. Sequichie: What is your name? A Harry Still.

Q How old are you? A 54.

Q What is your post office? A Hayden.

Q Do you know the applicant, Mrs. Annie Elms? A Knowed her ever since she was a baby.

Q Where did you know her? A I knowed her, first time ever I saw her was in my mother's house.

Q Where at? A On Lightning Creek.

Q How long ago has that been? A Been ever since she was a baby, but the first time I saw Ellis, Ellis didn't have her; the first time I met Ellis Warren he was by himself.

Q Where did you see Ellis? A Right where Chelsea is, right on Pryor Creek.

Q Where was he going? A He was looking for Alonzo Manley, this woman's uncle.

Q Where was he coming from? A He didn't tell me where he was coming from, I expected him to say he was coming from the south somewhere.

Q Where did he go to? A He came to Lightning Creek.

Q You say you didn't see the applicant at the time? A No, sir.

Q How long after that before you saw her? A A year I expect or better before I saw this girl.

Q Where? A At Hayden, yes sir Ellis came there and stayed all night and went from there to Grand River sometimes and when he came back out there about a year after that, and then he had this here girl and her mother, and she was a baby.

Q Did they stay down there on Lightning Creek? A Yes, sir, made a place there.

Q Have they been there continuously since that time? A Yes, sir, I saw Annie off and on ever since she lived there, she married there first.

Q Who did she marry? A Major Reed.

Q How long did she live with? A I don't know how long she lived with Major Reed, but quite a while, and they separated.

Q Then where did she go? A She went back to her father.

Q Then how long did she stay there? A Stayed there with him quite a while, she then went I think with her uncle somewhere up above there and was married again, but in the mean time, the first place that they ever made was this old place known as the Alonzo Manley

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place now, that belonged to her mother, the first place made was the old John Johnson place, that has been 34 years ago since they started that place, then came down and made this other place that they taken away from Annie, her mother had the place.

Q When she went with her uncle, you say up above, whereabouts was that? A I think they went to Oswego.

Q Kansas? A Yes, sir.

Q How long did she stay there? A Well, she was up there quite a while before she came back home, she came back several times, she was with us at Braggs during the Wallace payment; saw her on Lightening Creek at different times.

Q Do you know anything about her trying to be enrolled at the Wallace Court? A Yes, sir.

Q Where did she go to be enrolled, do you know? A She came to Vinita, she went from there to Braggs, she came back to Vinita again, and was there during the payment, and I have seen her different places.

QQ Did they enroll her? A I thought she was on the roll all right, I never did know any different.

Q Do you know whether she went before the Kern-Clifton Commission or not? A I don't recollect whether she did or not.

Q How much of this time since she returned from Kansas after she married has she been living on her place? A Why they lived on the place all the while before they went away from here till they took it away from them.

Q All the while? A Yes, sir, she lived on the old place first.

Commissioner: How long did she live on the old place after she married Elms? A I expect it must have been about five, ten or fifteen years.

Q All the time continuously? A Yes, sir.

Mr. Sequichie: The applicant? A Yes, sir.

Q Do you know whether she has got any other personal property here or not? A Yes, sir.

Q Always held it there? A Yes, sir.

Commissioner: When did you first see Amanda, her mother? A The first time I saw Amanda was in the first part of '67 when Ellis brought her out here.

Q What part of '67 was that? A The first part time I saw Ellis was in the fall of '66.

Q I am talking about Amanda? A Early in '67, when they moved out here on Lightening Creek.

Q About what month? A It must have been sometime in January or February, I think that is about the time.

Q January or February? A Yes, sir, some time about then.

Anderson Lynch, being duly sworn by Commissioner Needles, testified as follows:

Mr. Sequichie: What is your name? A Anderson Lynch

Q How old are you? A 64.

Q What is your post office? A Vinita.

Q Do you know the applicant, Mrs. Annie Elms? A Yes, sir, knowed her ever since she was a little bit of a thing.

Q Did you know her mother, Amanda Warren? A Yes, sir, I knowed her mother.

Q When was the first time you ever knew her mother? A It was in the winter of '66 when I saw her come there on the river and help George Johnson clean up a field.

Q Where did they come from? A From the south, some place somewhere down that way.

Q Is that the first place you saw the applicant? A The first time I saw her mother there, and she was around about that time.

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Q Do you know who her mother belonged to? A She was claimed to be free, and Jack Bell taken them off, and run them south somewhere; they is first cousin of mine, her mother was.

Q Then when was the first time you ever saw the applicant? A I saw her severan times, once in a while I meet up with her out at Vinita.

Q When was that? A I don't know just exactly when, it hasn't been over a year or so I guess.

Q Did you know her any time before that? A I knowed her before.

Q How long ago? A She was a good big girl when I run on her again, and then she was with her mother at Goose Neck.

Q Do you know where they lived? A No, sir, not exactly where they did live, they lived somewhere up this way, lived here on the Creek some place.

Q Did you know her mother before the war? A Yes, sir.

Q Where did she live then? A Down in there about Tahlequah.

Q Did she go south during the war or before the war? A It was just before the war when her mother went, about time the war was coming up like.

Q And returned back to the Cherokee Nation in what year you say?

A It was in the winter of '86, helping clean up a field on George Johnson's place.

Q You know how long they stayed there? A He made a crop there and he came out this way somewhere on the Creek, I don't know whereabouts he settled out here.

Q Did he settle down permanently up this way somewhere? A Yes, sir I saw him several times when I didn't see them.

Q Have you always known the applicant here from the time she was a girl? A Well she was a good big girl when I saw her the last time.

Q Do you know when she married? A No, sir, don't know when she married.

Commissioner: Know where she has been living since she married?

A No, sir.

Mr. Hastings: How big was this girl when her mother came up there from the south? A Well she wasn't any size, there was two or three of them, I didn't know them apart hardly, there was a boy or two with them along too.

Q Do you remember this girl? A I remember them, there were some, and then I saw them afterwards and they told me who they were.

Q How far did you live to them on the river when they first came in here? A It was just about a mile.

Q How many children did her mother at that time have? A She had either three or four, I don't know just exactly.

Q Boys or girls? A There was two boys I think was along, and if I am not mistaken, there was three or four.

Q Her husband with them then, this girl's father? A Yes, sir, he was with them then.

Q On whose place was that? A On George Johnson.

A How far did George Clarke live from there? A Clarke was living I think up on the river some place, about Six Mile Bottom.

Q Where is that George Johnson place? A It is just in below the Island Port, about half a mile, it is right down from the Island Ford.

Q Her father made one crop down there, did he? A Yes, sir.

Q How far did Al Lynch live from them? A I don't know exactly where Al was then.

Q Do you know whether she is the oldest child or not? A I don't know whether she is the oldest child or not.

Q You know she was born while her mother was over there, while they lived there? A I disremember whether she was born or not, there were three or four of them together.

Q About what time of the year was that? A That was along near-

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about Christmas as near as I can remember when he first came there, they came from the south down below there somewhere.

Q How long before the war had it been since you had seen her mother? A I disremember just exactly how long.

Q As many as five or six years? A She was just a young girl then.

Q As much as five or six years before the war? A Yes, sir, I expect it might have been that, just about that long then.

Q Jack Bell was Hooley Bell's father? A Yes, sir, he took him too.

Mr. Sequichie: Mr. Lynch, you are not positive when you first saw them back in the Cherokee Nation that it was the applicant who was one of those children? A I seen her several times afterwards and they always claimed that she was the same one was there.

Annie Elms, recalled, testified as follows:

Mr. Hastings: Have you got any brothers or sisters older than you?

A One boy, Oscar, ~~xxxxxx~~, he is dead.

Q You are the next? A Yes, sir.

Q Where did your brother Oscar die? A Down about Fedland.

Q Before you came up here? A He went down there and married and died down there.

Q You are the second child? A Yes, sir.

Mr. Sequichie: Who did you live with after your mother died? A I married after she died.

Q Have any relations around in the neighborhood? A Yes, sir, my uncle and my father.

Q Who was your uncle? A Alonzo Manley was my mother's brother.

Q Did you apply for enrollment at the Wallace enrollment?

A I did.

Q Were you enrolled? A I thought I was until the payment came on, I had witnesses and went before the court.

Q Did you apply for enrollment before the Kern-Clifton roll? A No I was sick that summer, my father applied for me.

Q Do you know whether they enrolled you or rejected you? A I thought I was enrolled till afterwards, and found out I wasn't; that was the summer my baby was born, I was sick there all the summer; it has never been found on any rolls.

Commissioner: You never drew any money from the Cherokee Nation at all? A NO, sir.

Ellis Warren, recalled, testified:

Commissioner: This oldest son of yours of named Willis? A Yes, sir.

Q He always lived in the Cherokee Nation? A Yes, sir, never lived out.

Q Never lived out? A No, sir, only when I sent him off to school.

Q Was he married? A Yes, sir.

Q Married in the Cherokee Nation? A Yes, sir.

Q Is his wife living now? A No, sir, she is dead.

Q When he married he lived in the Cherokee Nation? A Yes, sir.

Q Did he live in the Cherokee Nation when he was arrested?

A Yes, sir, attested at Clansmore.

The Wallace roll examined and the following names found thereon:

Willis Warren on page 151, No. 5144, Cooweescoowee district;
Callie Warren on page 151, No. 5145, Cooweescoowee district,
as Galles Warren.

Commissioner: Annie Elms applies for the enrollment of herself and two children, Virgie C and Byron. She also applies for the enrollment of her two brothers, William M.,

Annie Elms - A 11.

36 years of age, and Callie, 20. She avers that her brother Willis is incarcerated in prison and cannot be present himself. She nor the names of her two children cannot be identified upon any of the rolls of the Cherokee Nation. Her two brothers, Willis and Callie, are identified upon the Wallace roll. She avers that she is the child of Amanda Warren, a slave, who is now married to Ellis Warren. She avers that she is now married to one Doc Elms, a non citizen, living in the State of Kansas. Proof is made that her mother Amanda is a slave. As to the time of her return to the Cherokee Nation, and her residence, reference is made to the testimony. The said Annie Elms and her two children Virgie C. and Byron will be now listed for enrollment as Cherokee Freedmen on a doubtful card, as well as her two brothers, Willis Warren and Callie Warren. Applicant claims her citizenship ~~comes~~ comes through her mother Amanda, Ellis Warren, her father, being a non citizen, and she has been listed for enrollment as a Cherokee Freedman by intermarriage. She will be notified at her postoffice address of the action of the Commission in the premises, when the same is arrived at.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 8th of July, 1901.

R. McKinstry

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 23d, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Annie
Kins as a Cherokee freedman, introduced on the part of the Cherokee
Nation:

APPEARANCES:

Mr. J. R. Sequichie, Agent for applicant;
Mr. W. W. Hastings, for Cherokee Nation.

L. B. BELL, being duly sworn by Commissioner Needles, tes-
tified as follows.

MR. HASTINGS: What is your name? A L. B. Bell; 62, post
office Vinita.

Q What is your father's name? A John A. Bell, commonly known as
Jack Bell.

Q Did you father own, at any time before the war, a slave by the
name of Amanda or Mandy? A Yes, sir, he owned a girl by the
name of Amanda.

Q What became of Amanda, did he own her when the war came up.
A Father was not alive when the war came up, he died first day of
May, 1860; we had a farm down there, out in Texas, and owned some
Freedmen there, out home was here and there for that matter? I had
administered on the estate there in Texas; George H. Starr, now
dead, was the other administrator, and amongst the slaves this here
Amanda.

Q Well, what did you do with them? A Well, on the first day of
January 1861, we sold all the slaves belonged to the family at pub-
lic sale by order of the court; we could not divide them satisfac-
torily and so just sold them out.

Q To whom did you sell them? A We sold thes Amanda to one J. M.
Barton, a citizen there of Ruse Country, Texas; he lived there about
three or four miles from out plantation, our home.

Q What was his citizenship? A He was a white man, a citizen of
the state of Texas.

Q How long had Amanda been in Texas before you sold her? A Since
1853.

Q Do you know anything about when she came to the Cherokee Nation
after the war? A No, sir, I could not tell you anything about
that; I think she was there in 1867 on Barton's place when I left
there, but I would not be absolutely positive about that.

Q To what part of the Cherokee Nation did you return? A I come
around Delaware district not, it was on Big ~~Frank~~ Cabin Creek,
where the old Military road crosses the creek /leading from Fort
Gibson to Fort Scott.

Q How far is that from Grand river? A Probably two miles and a
half.

Q What time did you reach there? A Why I crossed Arkansas river
right down here about the 23 or 4th of May, somewhere along in there
1867.

COM'R NEEDLES: Crossed the Arkansas river into the Cherokee
Nation in 1867? A Yes, sir.

MR. HASTINGS: How long after that until you saw Amanda?

A Well, I ~~don't~~ don't think I saw her for probably 15 or 20 years
I never saw her but once.

Q You know who Amanda married afterwards and what name she goes by?

A No, sir.

Q Do you know this applicant, Annie Elm? A No, sir, only she is
a reputed daughter of Amanda.

MR. SEQUICHIE: Where was it you saw her 15 or 20 years ago?

A It was up there about Vinita, it was in the Cherokee Nation.

COM'R NEEDLES: You say, Mr. Bell, that the applicant is reputed to be the daughter of Amanda? A Yes, sir.

Q Did Amanda belong to your father? A Yes, sir, that is, she belonged to my father up to May, 1860 and he died and she belonged to the estate.

Q Was your father a Cherokee citizen at that time? A Yes, sir.

ZEKE STARR, being duly sworn by Commissioner Needles, testified as follows on the part of the Cherokee Nation:

MR. HASTINGS: What is your name? A Zeke Starr.

Q Your post office? A Tahlequah.

Q Your age? A 52 years old.

Q Did you know Jack ~~Starr~~ Bell before the war? A Yes, sir.

Q Father of L. B. Bell? A Yes, I know him.

Q Did you know a slave that he formerly owned by the name of Mandy?

A Yes, sir.

Q Do you know who owned her at the time the war broke out in '61?

A Mat. Barton they called him.

Q What was his citizenship? A He was a citizen of the state of Texas, white man.

Q Do you know when he bought her? A No, I don't know exactly the time, sometime after the time Uncle Jack Bell died, bought her under an administration sale.

Q What was your father's name? A George Starr.

Q When did you come back to the Cherokee nation after the war? A 1868.

Q Do you know anything about this woman's whereabouts after the war and up to '68? A Why no, I never paid any attention.

Q Do you know whether she was in Texas or not? A No, I could not say.

MR. SBOUICHIE: How say you knew that she was sold to Mat Barton a citizen of Texas? A Yes, sir.

Q Did you see her until after she passed to the ownership of Barton?

A Yes, sir, Barton bought her.

Q Took possession of her? A Yes, sir.

Q Where was it she sold? A I don't know, I don't know, I might have been present, but I don't remember.

MR. HASTINGS: How far did you live from Barton? A About a mile.

COM'R NEEDLES: Do you know this applicant, Annie? A No, sir; I don't know her.

Q You don't know where she was born? A No, sir.

Q You don't know whether she was a daughter of Amanda or not?

A No, sir.

STEWART DYCUS, being duly sworn by Commissioner Needles, testified as follows, on the part of the Cherokee Nation:

MR. HASTINGS: What is your name? A Stewart Dycus.

Q Where do you live? A I live in Tahlequah now.

Q What is your age? A 58.

Q How long have you been living at Tahlequah? A 12 years.

Q Where did you move from when you moved to Tahlequah?

A Oswego, Kansas.

Q Do you know a colored woman by the name of Annie Elms?

A I do.

Q What was her husband's name? A Doc Elms.

Q Where did you know her? A I knowed her in Kansas, Oswego.

Q Well, about how long ago did you know her?

A I have been knowing her about 17 years.

Q Where did you first know her? A In Oswego, Kansas.

Q Do you know where she married? A Married in Oswego, Kansas.

Q What was her husband doing do you know? A Carries hogs for the brick masons most of the time.

Q Where were they in 1869; did you see that last when you lived there 12 years ago? A Yes, sir, it was last February.

- Q Was she there when you left in '89? A Yes, sir.
Q She and her husband? A Yes, sir, she took the place when I moved away, she went there and cooked.
Q Q You lived on? A Left them at C. M. Condon's, cooking.
Q Did she have any children? A Yes, sir, she had one.
Q What was its name? A Vergie.
Q Where was she born? A Oswego, Kansas.
MR. SEQUICHIE: How long had you known ~~her~~ Vergie?
A I knowed her from the time she was born until I left.
Q She was born in Oswego? A Yes, sir, it was born right in Oswego, Kansas.
Q Did the applicant, Annie Elms, keep house there? A Yes, sir.
Q Didn't you say just now she was cooking for C. M. Condon?
A When I left she was keeping house and when I left my wife went to get her to take her place cooking for C. M. Condon.
Q She was living there when you left? A Yes, sir.
Q How long had she been living there when you left?
A Had been living there ten or 12 years.
COM'R NEEDLES: Where is she living now? A I could not say. I left her in Oswego, Kansas, two years ago when I was.
Q You were living there two years ago? A Yes, sir, I was at her home two years ago, last August.
Q You don't know where she had been living since you saw you went to get her to cook for Condon's? A She lived in the east end of town.
Q She wasn't in the Nation? A No, sir.
Q You know then she has been living in Kansas until two years ago?
A Yes, sir, to my knowing she has.

Com'r Needles: This testimony will be filed with the testimony taken in the original application of Annie Elms, Cherokee Freedman card D.#860.

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J. G. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. G. Rosson

Subscribed and sworn to before me this September 23d, 1901.

C. R. Dickinson

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Annie Elms et al., as Cherokee freedmen. RAC

D E C I S I O N .

The record in this case shows that on June 28, 1901, Annie Elms appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of herself and minor children Virgie C. and Byron Elms, and for her brothers Willis and Callis Warren as Cherokee freedmen. Further proceedings in the matter of said application were had at Fort Gibson, Indian Territory, on September 23, 1901.

The evidence shows that all the applicants herein were born since 1866, and are the children and grandchildren of Amanda Warren, who, prior to the commencement of the rebellion, was a slave of a Cherokee citizen; that about the commencement of the rebellion said Amanda Warren was sold to a resident of the State of Texas and was taken outside of the Cherokee Nation. It does not appear that at the commencement of said rebellion said Amanda Warren was a free colored person or the slave of a Cherokee citizen, or that she returned to or was residing in the Cherokee Nation within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc. vs the Cherokee Nation et al., for the return of freedmen to said Nation.

Said applicants have only such rights as they may have acquired by virtue of their being descendants of said Amanda Warren. It further appears that the name of none of the applicants herein is found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the application for the enrollment of Annie Elms, Virgie C. Elms and Byron Elms, Willis Warren and Callis Warren should be denied under the provisions of section twentyone of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.

Dated at Muskogee, I.T.

this _____

Commissioner.

e

70860

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 16 1901


ACTING CHAIRMAN

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

7th of Nov 81. Sept 16 1901.

Received of the Commission to the Five Civilized Tribes
One copy of the testimony in the matter of the application of
Annice Olive et al for enrollment as
Freedmen of the Cherokee Nation.

No. 710960

J. P. Seawick
Agent for applicant.

22

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

ALLISON L. AVIESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 4, 1902.

Amie Elms,

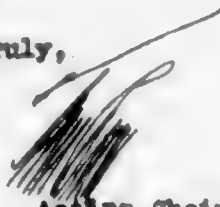
Mayden, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 25th ultimo, stating that you have no further testimony to offer in the matter of your application for the enrollment of yourself as a citizen of the Cherokee Nation.

Your letter has been duly noted.

Yours truly,



Acting Chairman.

COPY.

Cherokee Freedmen
D-860.

Muskogee, Indian Territory, May 3, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Annie, Virgie G. and Byron Elma, Willis and Callie Warren as Cherokee freedmen, including the Commission's decision dated April 20, 1904, rejecting said application.

Respectfully,

James Birney

Through the
Commissioner of Indian Affairs.

Chairman.

Enc. D-110

COPY.

Cherokee Freedmen
L-860.

Muskogee, Indian Territory, May 3, 1904.

Annie Elms,

Hayden, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes dated April 20, 1904, rejecting the application for the enrollment of yourself, your children, Virgie C. and Byron Elms, and your brothers, Willis and Callis Warren, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

James Birby.

Chairman.

Register

Enc. D-108.

COPY.

Cherokee Freedmen
D-869.

Muskogee, Indian Territory, May 3, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting the application for the enrollment of Annie, Virgie C. and Byron Elms, Willis and Callis Warren as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

James Bixby

Enc. D-109.

Chairman.

(COPY)

DEPARTMENT OF THE INTERIOR

Refer in reply
to the following:
Land
30805-1904.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, August 9, 1904

The Honorable,

The Secretary of the Interior

Sir:

There is enclosed a report from the Commission dated May 3, 1904, transmitting the record relative to the application of Annie Elms, et al., for enrollment as Cherokee freedmen. Annie Elms applied for the enrollment of herself and her minor children, Virgie C. and Byron Elms, and for the enrollment of her brothers, Willis and Callis Warren. The applicants were all born since 1866 and are the children and grandchildren of Amanda Warren.

The testimony in this case shows that Amanda Warren was the slave of Jack Bell, and that some years prior to the commencement of the war he removed to Texas and was residing there when the war commenced. He took Amanda Warren to Texas with him.

The applicants not having been slaves of Cherokee citizens, or being descendants of Cherokee slaves or free colored persons, or the descendants of free colored persons residing in the Cherokee Nation at the commencement of the war, are not entitled to enrollment as Cherokee freedmen, and the approval of the Commission's decision of April 21, 1904, adverse to them, is recommended.

Very respectfully,

A. C. Tonner
Acting Commissioner

GAW-Ma.

(C O P Y)

D.O. 30794-1904
I.T. D. 6374-1904

DEPARTMENT OF THE INTERIOR
WASHINGTON.

W.C.F.
J.P.
FHE
L.R.S.

August 20, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

May 3, 1904, you transmitted the record in the matter of the application for the enrollment of Annie, Virgie C and Byron Elms, Willis and Callis Warren, as Cherokee freedmen, including your decision of April 20, 1904, rejecting said application.

Reporting in the matter August 9, 1904, the Acting Commissioner of Indian Affairs, recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

1 inclosure

(Signed)

Thos Ryan
Acting Secretary

COPY.

Cherokee Freedmen
B 860

Muskogee, Indian Territory, October 6, 1904.

Uncle Elms,

Hayden, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting your application for the enrollment of yourself, your minor children, Virgie C. and Byron Elms, and your brothers, Willis and Callis Warren, as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 20, 1904.

Respectfully,

(SIGNED) *Tams Bixby.*
Chairman.

COPY.

Cherokee Freedmen
D 860

Muskogee, Indian Territory, October 6, 1904.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting the application for the enrollment of Annie Elms, her minor children, Virgie C. and Byron Elms, and her brothers, Willis and Callis Warren, ~~was affirmed~~, was affirmed by the Secretary of the Interior on August 20, 1904.

Respectfully,

SIGNED. *Tams Dixby.*
Chairman.

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
..... day of..... A. D. 1901.

Given under my hand this.....
day..... A. D. 1901.

Marshal for Cherokee Nation.

I, the undersigned ^{agent} ~~agent~~ for the
within named applicant hereby accept
service of the within notice on this the
..... day of....., 1901.

J. Bequith
..... for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to.....

on the..... day of..... A.D. 1901

Subscribed and sworn to before me
this..... day of..... A.D. 1901.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 16 1901

[Signature]
ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF The application of Annie Klus
for enrollment as a Cherokee Freedman:

Case No. F. D. 860

To Annie Klus or J. R. Sequishie Agt.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on the following dates, to-wit: Sept. 23d at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 14th day of Sept. 1901.

J. B. Bell

Attorneys for the Cherokee Nation.

①

319860

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUN 25 1901

ACTING

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CHEROKEE FREEDMEN.

Date JUN 25 1901
Post Office Hayden, Et.
District Cov

1. Name _____ Age _____
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____
Mother _____ Citizenship _____

1. Name of wife Annie Elms Age 34
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:

Father Ellis Warena living Citizenship _____
Mother Amanda " - dead Citizenship _____

Names of Children:

- 2. Virgie E. Elms Year _____ Page _____ No. _____ Dist. _____ 10
- 3. Byron Year _____ Page _____ No. _____ Dist. _____ 5
- 4. Willis Warena Year _____ Page 151 No. 374 Dist. Cov 26
- 5. Callie " Year _____ Page 137 No. 376 Dist. " 20
- 7. _____ Year _____ Page _____ No. _____ Dist. _____
- 8. _____ Year _____ Page _____ No. _____ Dist. _____
- 9. _____ Year _____ Page _____ No. _____ Dist. _____
- 10. _____ Year _____ Page _____ No. _____ Dist. _____
- 11. _____ Year _____ Page _____ No. _____ Dist. _____
- 12. _____ Year _____ Page _____ No. _____ Dist. _____

Application made by Mrs. 1 Stenographer Chas. W. Nease and B. L. Jones

4 Confined in Prison at Muskogee

Represented by J. R. Sequichie

17

710860

COMM. SEC. TO THE PRES. & VICE PRES.

FILED

MAR 23 1902

[Handwritten signature]
ACTING CHIEF

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Annie Elms,
Hayden, I. T.
Cherokee-F-D-860.
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.



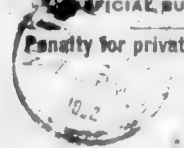
Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$10.



*Forward
to Adams*

Annie Elm,

~~Muskogee~~

Indian Territory.

Cher. Fr. R. 759 .

Trans from C. Fr. D. 871

Cher. Fr. R. 759

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE NEW CIVILIZED TRIBES

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Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, T. T., June 26th, 1901.

In the matter of the application of Elizabeth Duncan for the enrollment of herself as a Cherokee Freedman by intermarriage and for the enrollment of her four children as Cherokee Freedmen; said Duncan being sworn and examined by Commissioner T. B. Needles, testified as follows:

Appearances:
Messrs. Smith & Mellette, for Applicants.
Mr. W. V. Hastings for Cherokee Nation.

- Q What is your name? A Elizabeth Duncan.
Q What is your age? A 47.
Q What is your postoffice address? A Coffeyville, Kansas.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman?
A No, sir, I am adopted.
Q You apply to be enrolled as an adopted Freedman? A Yes, sir.
Q Do you want to enroll anybody besides yourself? A Four boys.
Q What are their names? A Clate Duncan.
Q How old is Clate? A 18.
Q The next one? A Harry.
Q How old is Harry? A He is 16.
Q The next one? A Jewel.
Q How old is Jewel? A 14.
Q The next one? A Bert.
Q How old is Bert? A 12.
By Mr. Smith:
Q Where did you marry Joe Duncan? A In to Kansas.
Q Have you any certificate of your marriage to him?
A I haven't got it but I can get it.
Q When did you marry him? A About '82 I guess.
Q Is your husband dead, Joe Duncan dead? A Died 13 of January last.
Q Well, were these children whose names you have given and for whom you apply all born while you were living together as man and wife?
A Yes, sir.
Q Have your children ever been enrolled upon any of the rolls of the Cherokee Nation? A Yes, sir.
Q What rolls? A Kern-clifton roll.
The Kern-clifton Roll of Freedmen of the Cherokee Nation examined and names of applicant's deceased husband and her children found thereon as follows:
Page 181, #3738, Joseph Duncan, Cooweescoowee District.
Page 181, #3739, Clate Duncan, Cooweescoowee District.
Page 151, #3741, Harry Duncan, Cooweescoowee District.
Page 151, #3742, Jewel Duncan, Cooweescoowee District.
Page 281, #3743, Bert Duncan, Cooweescoowee District.
By Gen'l Needles:
Q Is your name on any of the rolls of the Cherokee Nation?
A I don't know whether he enrolled me or not.
Q He never threw any money for you did he? A No, sir, his name ought to be on the Failure roll.
The 1880 Authorized Roll and 1886 Census of Freedmen of the Cherokee Nation examined and name of applicant's deceased husband not found thereon.
By Mr. Hastings:
Q What is your eldest child's name? A, Clate.
Q Clayton? A Yes, sir.
Q What year were you married? A About '82.
Q Where were you married? A In Kansas.
Q What town? A Mound City.

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Q Where was Clayton born? A Born in the Territory.

Q Where? A Over here where we live on the Joe Ross place, we rent a place there.

Q On Snow Creek? A Well, I guess you call it on the river.

Q On the Verdigris river? A Yes, sir.

Q How far from the mouth of Snow Creek? A I don't know.

Q Do you know where Snow Creek is? A Yes, sir.

Q How far is that from Snow Creek? A Four or five miles I guess.

Q Below or above? A I would call it across from there.

Q Is it across the river from Snow Creek? A No, sir.

Q What is your next child? A Harry.

Q Where was Harry born? A In the Territory.

Q What is the next one? A Jewel.

Q Where was Jewel born? A In Kansas.

Q What place in Kansas? A Mound City was our postoffice address you call it.

Q What is the next one's name? A Bert.

Q Where was Bert born? A Over there in the Territory.

Q What place? A Where we made this little place.

Q How far was that place from Nelson Murrell; have you got any older children than these? A No, sir, not my own, they are Mr. Duncan's.

Q Where do you live now? A I live up on the high prairie about four miles from what is known as the head of Cedar Creek, about 15 miles this side of Coffeyville, southeast of Coffeyville, about five miles west of Wimer.

Q How long have you been living there? A On that place?

Q Yes. A About 16 or 17 years.

Q Continuously? A Not altogether.

Q Got a house in Coffeyville? A No.

Q You kept house in Coffeyville? A I hired some there and rented a building to stop in.

Q You pay rent on the building now? A No, sir.

Q When did you quit paying rent on it? A When I moved out of it.

Q When did you move down near Wimer? A I guess it has been five years, since the Kern-Clifton payment, it must have been eight or ten years.

Q Have you lived or worked in Coffeyville, Kansas, since that time? A I have worked every place.

Q When was the last time you worked there? A That was the last time I worked.

Q Eight or ten years ago? A Yes, sir.

Q You haven't worked or had a house in Coffeyville for the last eight or ten years? A As well as I remember, I don't know whether I am exact on the year or not.

Q How about the last five years? A I haven't.

Q You know that? A Yes, sir.

Q Who are your neighbors out there near Wimer, Cedar Creek, you live? A About four miles up on the high prairie.

Q Who lives near you out there? A I can't tell you who all lives near there, Emma Powell, Hige Robinson, Ed Storms and Neal Sanders we call his name, I don't know him personally.

Q Where is Clayton at right now? A He is here with me.

Q Has he been living over there with you? A Yes, sir.

Q Actually staying over there? A Yes, sir.

Q How about these other three children? A I have the baby child with me on the ground and I left the others on the place there.

Q Have they been living with you the last five or six years continuously all the time? A No, sir.

Q They have been to Kansas? A We go to Kansas about every two weeks and get our mail and shopping.

Q Has Duncan ever married before he married you? A Yes, sir.

Q Is she living or dead? A Yes, sir.

Q Was she living when he married you? A No, sir.
Q What was her name? A Millie Gar.
Q Were you ever married before? A Yes, sir.
Q To whom were you married? A Knox.
Q Where were you married? A Mound City.
Q Where is he? A I don't know.
Q Were you ever divorced from him? A Yes, sir.
Q Where were you divorced? A Mound City.
Q Is he living now? A I don't know, I am not able to say whether he is living or not.
Q He was alive when you married the second time?
A I don't know, I was legally divorced from him.
Q When were you divorced from him? A I don't know as I can tell that.

By Com'r Needles:

Q In the State of Kansas? A Yes, sir. I guess it was about '83 or '84.

By Mr. Hastings:

Q When were you divorced from him? A Yes, sir.
Q That is your best judgment? A Yes, sir.
Q Are any of these children here by your first husband?
A No, sir, not a one of them.
Q What court in Kansas? A In the county court I guess you call it
Q That town? A Mound City.
Q Your oldest child, Clayton, is 18? A Yes, sir.

By Com'r Needles:

Q Is Joseph DUNCAN living? A No, sir.
Q Did you live with him continuously from the time you married him until the time of his death? A Yes, sir.
Q By Mr. Hastings: Where did he die? A Died on our place out there.

By Com'r Needles:

Q AND DURING YOUR MARRIAGE WITH HIM WERE ALL THESE CHILDREN BORN?
A Yes, sir.

SAM WEBBER, being first duly sworn by Commissioner F. B. Needles, testified as follows; By Mr. Smith:

Q State your name? A Sam Webber.
Q How old are you, Mr. Webber? A About 58.
Q Where do you live? A Two miles west of here.
Q How long have you lived in the Cherokee Nation? A I was bred and born here.
Q Do you know the applicant, Elizabeth Duncan, in this case?
A Yes, sir, I am acquainted with her.
Q Did you know Joe Duncan? A Yes, sir.
Q Is Joe Duncan living or dead? A He is dead.
Q Did you know Joe Duncan as the husband of this woman, is that the Joe Duncan you are talking about? A Yes, sir.
Q Well, did you know him before the war? A I never was personally acquainted with him before the war but I knew his first wife.
Q Where did you first see Joe Duncan, how long since you first knew him until you say you never knew him during the war?
A I got acquainted with him thoroughly in the time of the war.
Q Where? A Fort Scott.
Q Do you know when he came back to the Cherokee Nation when he returned? A Yes, sir.
Q When? A He come to my house in the fall with two plows and some corn meal and I bought some of it from him.
Q In the fall of what year? A '66.
Q Do you know what became of him here after you saw him in '66?
A He left the plows with me to take care of for him and went off to hunt him a claim.

Q When did you next see him after that? A I saw him early in the spring of '87, he come there and got his plows.

Q When did you see him after that? A I never saw him for quite a while after that.

Q Do you know whether he took up the claim or got a place or not?

A He told me he had one, he come

Q Besides what he told you did you ever see it? A After that I did.

Q Where was it? A There on the Verdigris.

Q In the Cherokee Nation? A Yes, sir.

Q How far from where you lived? A I guess about 18 miles, as near as I could guess at it, maybe hardly so far.

Q Well, do you know whether he continued to live in the Cherokee Nation or not after that time and up to the time he died.

Q He was missing a while he was a stone mason and went off to work, I heard of him working off.

Q About when did you hear of him working off? A After he stayed there a couple of years then I never heard of him for quite a while, but of course I never had any occasion to go over there

By Mr. Hastings:

Q Now, Sam, we had some of this same investigation about five years ago, before the Kern-Clifton Commission didn't we?

A Yes, sir.

Q You didn't at that time testify for Joe Duncan? A They didn't call me in, I was staying there waiting.

Q It was the old man testified in the case? A Yes, sir.

Q You never testified did you? A No, sir.

Q You knew at that time about these plows and his corn mean?

A Yes, sir, and I would have told it if he called me in, because I was staying there waiting.

Q When did he locate up there did he make him a place?

A There was a house already built, a fellow by the name of Frank Hove that went and failed to come back.

Q How far was that from Snow Creek, Sam?

A Three or four miles I judge.

Q What direction from Snow Creek? A Below Snow Creek on the river

Q On what side of the river? A On the west side.

Q He made a farm there did he? A There was a small patch there.

Q Did he have a wife with him at that time? A When he brought the plows you mean.

Q Yes? A No, sir.

Q Did any one come with him? A Sim Kessely come with him.

Q The two come in the same wagon? A No, sir, he had his own wagon and Sim had his own wagon. Sim moved in there and stayed right by me.

Q And that was in the fall? A Yes, sir.

Q All in the fall of '88? A Yes, sir, late in the fall.

Q Before Christmas? A Yes, sir.

Q Then you didn't see Joe any more for some time, is that the way of it? A It was in the spring.

Q You don't know whether he made a crop that spring or not?

A No, sir.

Q This man was a stone mason was he? A Yes, sir.

Q When did you first see his first wife? A I saw her about three miles where I was born at on the Spring place at Mrs. Cox's.

A Well, after the war? A Saw her sometime in '87.

Q Where was she then? A She was up there on the river.

Q Were they married then? A The first woman?

Q Yes? A Yes, sir.

Q Did they have any children? A They had some children.

Q What are their names at that time? A One of them is named Lawson.

Q When did he and this woman marry? A He married after his first

woman died.

- Q Did you know her before he married? A No, sir.
Q Where did they marry? A I could not tell you that.
Q Did they marry up there in the Cherokee Nation?
A I could not tell you that.
Q Do you know when they married? A Not exactly.
Q Do you know where their oldest child, Clayton, was born?
A No, sir.
Q Do you know where her next one, Harry? A No, sir.
Q Her next one, Jewell? A No, sir.
Q Bert? A No, sir.
Q How far does she live from you? A I guess 90 miles.
Q When did you move to Nowata? A Moved here three years ago.
Q Where did you move from then? A From on Big Creek.
Q How far did she live from you three years ago?
A I guess 15 miles.
Q Where was she living? A Up here towards Snow Creek, somewhere on the high prairie there.
Q Close to Snow Creek? A Yes, sir.
Q How far from the Kansas line? A I don't know exactly about, I declare I don't, four or five miles.
Q Did you ever know of her living in Coffeyville? A I met her there once to my knowledge, I stayed all night and shook hands with her, if they were living there I don't know.
Q Do you know whether they were keeping house or not?
A No, sir, I don't.
Q When was that? A I declare it was before he died.
Q Do you know where he died? A He died up here on his place.

ELIZABETH DUNCAN, the applicant recalled; By Con'r Needles:

- Q Is that one of yours late named Olate or Clayton?
A Robert Clayton.
Q Well, now, these other children? A They have got double names, do you want them.
Q Yes? A Well, Harry August, Joel C., Benjamin Franklin.

POMPPEY DUNCAN, being duly sworn by Commissioner T. B. Needles, testified as follows; By Mr. Smith:

- Q State your name? A Pompey Duncan.
Q How old are you? A About 42 or 43 I don't know just exactly which.
Q Did you know Joe Duncan when he was alive? A Yes, sir.
Q Do you know this applicant, Elizabeth Duncan? A Yes, sir, I got acquainted with her.
Q Is Joe Duncan any kin to you? A My half brother.
Q Who was Joe Duncan's father? A I don't know who his father was.
Q You don't know his father? A No, sir.
Q When did you first get acquainted with Joe? A I was raised with Joe partly raised with him until the war broke out.
Q Was Joe a slave? A Yes, sir.
Q To whom did he belong? A He belonged to a woman by the name of Millie Duncan.
Q Was she an Indian? A Yes, sir.
Q Citizen of the Cherokee Nation? A Yes, sir.
Q Do you know whether Joe went out of the Cherokee Nation during the war? A No, sir, I and him was separated I could not tell you.
Q When did you see him back in the Cherokee Nation after the war?
A The first time I met him after the war was up here at Coosawadee bend, at Mr. Good News' campaign.
Q First or second campaign? A Second campaign.
Q How long was that after the war? A It has been quite a while.

- Q You don't know when Joe Duncan first come back? A No, sir.
Q Is he living or dead? A He is dead.
Q Where did he die? A He died at his home place.
Q How far from you? A I don't know just exactly how far it is.
Q In the Cherokee Nation? A Yes, sir.
Q Do you know Elizabeth Duncan? A Yes, sir.
Q Was she Joe Duncan's wife? A Yes, sir.
By Mr. Hastings:
Q Well, Pompey? A Yes, sir.
Q You come back to the Cherokee Nation after the war did you?
A Yes, sir, I did.
Q What place did you come to? A Down here in Sequoyah District.
Q When did you move up in this country? A I have been here quite a good long while.
Q Well, about how long? A I could not tell you, it has been about 15 or 16 years maybe 17 years, I could not tell you.
Q Well, now, where did you first live up here? A I first lived right here on Dog Creek.
Q Well, did you go around up on Big Creek any at that time, among your old friends? A No, sir.
Q I mean when you first come up here? A No, sir, I haven't visited much only for the last late years.
Q Well, you didn't see Joe Duncan until Mr. Joel Mayes second campaign? A No, sir.
Q Do you know whether that was in '81 or not? A No, sir.
Q You don't know when that second campaign was? A No, sir.
Q Well, it was eight or ten years ago, about ten years ago?
A I expect it was, about ten years ago, as near as I can recollect.
Q How far did you live from Joe Duncan before the war?
A Me and him was living right in the same yard together before the war.
Q On which side of Grand river? A On this side of Grand river.
Q Malinda Johnson's? A No, sir, up this side of Grand river.
Q Well, was it at Malinda Johnson's? A It was at Millie Duncan's
Q That was on Flat Rock was it? A Yes, sir, up on Flat Rock there

HARRY STILL, being duly sworn by Commissioner T. B. Needles, testified as follows: By Mr. Smith:

- Q State your name? A Harry Still.
Q How old are you, Mr. Still? A 54.
Q How long have you lived in the Cherokee Nation? A All my life
Q Do you know this applicant, Elizabeth Duncan? A Yes, sir.
Q Did you know her husband? A Yes, sir.
Q What was his name? A Joe Duncan.
Q Is he living or dead? A Dead.
Q When did he die? A Don't know, I think though he has been dead two or three years.
Q Do you know where he died? A Up between here and Coffeyville.
Q How long have you known Joe Duncan? A Since '68.
Q Was he a slave? A Don't know that.
Q Where did you get acquainted with him? A Got acquainted with Joe at Fort Scott, '68.
Q Do you know when he first returned to the Cherokee Nation after the war? A Yes, sir.
Q When was it? A First time I saw him was in the winter of '86, on Big Creek, Sam Webbers.
Q Do you know how long he stayed in that vicinity, in that neighborhood? A Don't know, could not say, but about two years after that
Q Where did you see him then? A The next time I saw him was near the mouth of Snow Creek.
Q How far was that from where you live? A Must be 20 miles.
Q How far from where you saw him at Sam Webbers? A Must be ten

or twelve miles.

Q What was the circumstance of your seeing him when you saw him near Snow Creek? A He was living there.

By Mr. Hastings:

Q Have a wife the second time you saw him after the war?

A No, sir, he had a wife the first time I saw him.

Q Did you see his wife with him? A Yes, sir.

Q Was he in a wagon? A He was in the house I saw him.

Q At Sam Webber's? A No, sir, in the house.

Q I thought you said when you saw him the first time he had his wife? A No, sir, he didn't have his wife the first time I saw him.

Q How many children did he have? A I don't think he had more than one or two and it was a baby.

Q Do you remember that one's name? A No, sir.

Q Well, now, do you remember whether it was one or two?

A I am not positive.

Q You know he had a baby? A I know the woman had a baby.

Q And that was about two years after '86? A Yes, sir.

Q You testified in the George Thompson case the other day didn't you? A No, sir; oh, George Thompson, old man George?

Q Yes? A No, sir.

Q You didn't testify in that case? A No, sir.

Q You testified in the Alfred Bell case didn't you?

A Yes, sir, I sure did.

NELSON MURRELL, being duly sworn by Commissioner T. B. Needles, testified as follows: By Mr. Smith:

Q State your name? A Nelson Murrell.

Q What is your age? A 77.

Q How long have you lived in the Cherokee Nation?

A I have lived in the Nation 77 years, not in this Nation.

Q Well, how long have you lived in this Nation? A I come here in the year 1830.

Q Do you know this applicant, Elizabeth Duncan? A Yes, sir.

Q How long have you known her? A I have known her about 16 years.

Q Did you know her husband? A Yes, sir.

Q What was his name? A Joe Duncan.

Q Is he living or dead? A Dead.

Q Where did he die? A Out on the prairie here where I live.

Q About how far? A About eight miles.

Q Cherokee Nation? A Yes, sir.

Q How long had he been living there when he died? A About 14 years, about 18 or 14 years.

Q Do you know his children? A You are speaking of his youngest or his eldest?

Q I am talking about her children, Elizabeth's? A Yes, sir, I know them when I knew them.

Q Do you know whether they were married or not, Elizabeth and Joe?

A No, sir.

Q Did they live together? A No, sir.

Q Were they recognized in the community as husband and wife?

A Yes, sir.

Q How long have you known this Joe Duncan? A Well, I have known him about 55 years, Joe Duncan.

Q Did you know him before the war? A Yes, sir.

Q Do you know whether he was a slave or not? A Yes, sir.

Q Was he? A Yes, sir.

Q When did he belong to? A Duncan.

Q What Duncan? A John Duncan.

Q Was John Duncan a married man? A Yes, sir.

Q What was his wife's name? A I don't recollect.

Q Was he a citizen of the Cherokee Nation? A Yes, sir.
 Q Lived here in the Indian Territory? A Yes, sir.
 Q Where did he live at the time the war broke out?
 A He was living about Fort Gibson, about five miles on the west side of Grand River.
 Q Do you know what became of Joe Duncan during the war, whether he went out of the Territory during the war or not? A Yes, sir.
 Q Where did he go? A Up near Fort Scott, Kansas.
 Q Do you know when he returned to the Cherokee Nation? A Do not.
 Q When did you first see him in the Cherokee Nation after the war? A I saw him about '67.
 Q Where was he when you saw him? A Came over to my house on the Verdigris River.
 Q Do you know where he was living at that time? A He came from over east, from on Big Creek.
 Q Did you ever go to his place? A There on Big Creek?
 Q Yes? A No, sir.
 Q Did you ever go to it afterwards? A I went to the neighborhood where he lived. He moved when he come to my place.

By Mr. Hastings:

Q Did you know Joe Duncan after that? A Yes, sir.
 Q How far did he settle down to you after that? A About three miles from me.
 Q Have a wife with him at that time? A He had some children, he wasn't married then.
 Q Didn't have any wife? A No, sir.
 Q Do you know where he and this woman were married? A Married in Kansas.
 Q How do you know? A He brought the woman back with him, he didn't have any here.
 Q Mr. Murrell, how long was that afterwards? A After which?
 Q After you first saw him? A About ten years.
 Q When he married this woman? A Yes, sir.
 Q Was this his first wife? A No, sir.
 Q Did he have his first wife with him when you first saw him?
 A No, sir, she was dead at that time.
 Q He had some children with him that he had had by his first wife? A Yes, sir.
 Q Do you remember how many children he had? A Four.
 Q Do you remember their names? A Yes, sir.
 Q Name them? A Lawson, George, one was named Emma and the other one I have forgot.
 Q These children were with him the first time you saw him after the war? A Yes, sir.
 Q Were you ever at his place, or his Masters place before the war?
 A Well, I passed by there.
 Q That was about five miles from Fort Gibson? A Yes, sir.
 Q On the west side of Grand river? A West side of Grand river.
 Q You don't know his Mistress' name? A No, sir.
 Q Do you know any of the members of the family? A No, sir, I was acquainted with Duncan, seen him about Fort Gibson.
 Q His name was John Duncan? A Yes, sir.
 Q What kind of a house did he live in? A He lived in a good pretty good log house, it was painted and lined.
 Q Do you know that Joe Duncan was living there when the war come up? A Yes, sir, if my memory serves me right.

ELIZABETH DUNCAN, the applicant, recalled: By Gen'l Needles:

Q You say one of your children, Jewel, was born in Kansas?
 A Yes, sir.
 Q Were you living there then? A No, sir, I went off up there I

was raised there.

Q. Mother living there? A. It wasn't really my mother, it was my father's sister and she had raised me.

Com'r Needles Elizabeth Duncan applies for the enrollment of herself as an Intermarried citizen and four children, Harry A., Jewel C., Robert C., and Benjamin F. She avers that she was married to one Joseph Duncan in the year 1882. It will be necessary for her to present a certificate of marriage, no certificate being presented at this time. The name of her husband, Joseph Duncan, is not found upon the authenticated roll of 1880, he is now deceased. She avers that she was formerly married and obtained a divorce from her former husband. It will be necessary for her to file with this Commission a certified copy of the decree of divorce. She avers that her husband was married before his marriage to her, but his wife wasn't living at the time of their marriage. She makes proof of the return of the said Joseph Duncan, her husband, to the Cherokee Nation in the year 1866. She avers that she has been a resident of the Cherokee Nation for the last 16 or 18 years. She is now a resident. Elizabeth Duncan will now be listed for enrollment as a Cherokee Freedman by Intermarriage upon a doubtful card. Her four children as enumerated herein will be listed for enrollment as Cherokee Freedmen upon a doubtful card. She will be duly notified of the decision of the Commission in the premises. The names of her four children, as enumerated herein, are identified upon the Kern-Clifton roll according to the page and number of the roll as indicated in the testimony. The name of the applicant is not found upon any of the rolls.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, J. O. Rosson,

Subscribed and sworn to before me this 18th day of July, 1901.

Signed, T. B. Needles,
Commissioner.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and the same is a true and correct copy from the original.

Bruce C. Jones

Sworn to and subscribed before me this the 18th of July, 1901.

T. B. Needles

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE UNITED TRIBES

OCT 11 1904

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I. T., OCTOBER 8th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
Elizabeth Duncan as a Cherokee Freedman, introduced on part of
Cherokee Nation:

APPEARANCES:

Mr. Mellette, of Counsel for Applicant;
Mr. W. W. Hastings, of Counsel for Cherokee Nation.

MIAMI WALKER, being duly sworn by Commissioner Needles,
testified as follows:

MR. HASTINGS: What is your name? A Miami Walker.

- Q What is your age, Mrs. Walker? A 76.
Q What is your post office? A Blue Mounds.
Q Kansas? A Kansas, Linn County, Kansas.
Q How long have you lived there? A We have only lived there two
years, but we lived down there on the other place where we sold.
Q How far do you live from Mound City, Kansas? A Five miles
south of Mound City.
Q Now, how long did you live in the neighborhood of Mound City,
Kansas? A Well, we came there in 1857 and lived there until two
years ago and now we are in the neighborhood you might say.
Q Did you ever know a colored man by the name of Joe Duncan?
A Oh, well.
Q When did you first learn to know him? A Well, I can't fix no
date just when he first moved up there.
Q Well, the best of your judgment with reference to the war?
A It was after the war, well it might have been '55 or '6, it was
right after the war.
Q Do you mean '66 or '6? A Yes; when did the war end?
Q Did the war end in '55 or '6? A Yes, when did it end, '54.
Q I was asking you to state when the war ended? A '54.
Q Do you mean '54, or '50? A It was after the war.
Q It was after the war was it? A Yes, sir, about a year.
Q About a year after the war? A Yes, sir.
Q Where was Joe Duncan when you first knew him? A When I first
knew him he was on his place; he bought some land you know joining
us.
Q After the war? A After the war, that is the first I knew of
him and moved on that place.
Q Well, now, how long did he live there joining you? A He must
have lived there 25 or 30 years.
Q What was his wife's name? A The first wife's name was Millie
and she died and burried there at Mound City, and the next wife's
name was Lizzie Spence.
Q Where did he marry her? A At Mound city.
Q Did he have any children? A Quite a number of children by his
first wife and last wife.
Q Did he have some children by his last wife? A Yes, sir.
Q Do you remember any of their names? A Yes, sir, I remember all
of their names, that was born there.
Q What were their names? A Clayton and Harry.
Q About when did they leave there? A About '88 or '9.
Q You say they owned a farm by you? A Yes, sir.
Q Lived on it? A Yes, sir, lived on it all the time; well, they
stayed there until they came south, I was right with them almost
every day, they lived right by me.
Q About how far? A Well, joined corners with us, right in
sight anyway.
Q Did Joe Duncan come off down here? A Yes, sir; helped them
get ready when they moved.

Q Now, do you know that he lived there on that place from the close of the war until '88 or '97? A Yes, sir, I saw him almost every day; he worked for us considerable.

Q Now, about how long after the war was it until you first knew him? A Well, it might have been a year and might have been two, he came there after the war.

Q When did he dispose of the place with reference to his leaving there? A He had lost it with a mortgage, I can't tell you.

Q He lost it before he left there? A Yes, sir.

Q Some mortgage on it? A Yes, sir.

MR. MELLETT: How old are you? A 76.

Q What year did you say the war closed? A Well, I forget it, I believe it was '55, '4 or '5.

Q Well, you know this year don't you? A Oh, yes.

Q ~~What~~ You say Joe Duncan bought a place up there? A Bought a place joining us.

Q How do you know he bought it? A Because I knew he lived on it and he owned it to be mortgaged.

Q Now, it belonged to his wife didn't it, his first wife?

A She didn't own any property at all, his first wife.

Q Well, did it belong to one of his wives? A I think before he married the last wife-

Q Now, you say you saw him every day? A Nearly, when he was at home, he worked at our house a good deal.

Q Now, what was his business? A He was a plasterer by trade.

Q And he went from place to place? A He didn't go any further than Mound City; he used to be a blacksmith.

Q Now, isn't it a fact that he came down here in the Territory and worked a good deal? A I don't know of his doing it.

Q You don't mean to say for 30 years you watched Joe Duncan?

A I didn't have to watch him, I could see him without watching.

Q How long do you think he worked for you in 30 years?

A Off and on at little day jobs.

Q Will you swear that he was not absent from that place two years at a time for 30 years? A I am nearly certain he wasn't.

Q You want your testimony to go down in that way, do you?

A He was absent, he worked in Mound City, but he never went away.

Q Now, do you say that his wife wasn't absent from that place two years at a time? A I know she was not; no, sir.

Q What was her first name? A Lizzie.

Q You say she was not absent from there? A She was not absent no more than to go to town and some place.

Q That is as much as she was ever absent? A As much as I ever knew of her being absent.

Q Don't you know that she was down in this country and lived on a place here, I didn't know of her living away, she came down here.

Q And she came down here? A She came when they left.

Q When did they leave? A '88 or '89.

Q Well, which do you think it was? A Well, it was 12 years ago, this winter.

Q What makes you remember it? A I remember the birth of one of my sons and she was with me and got ready to go within two or three days.

Q Have you seen her since that time? A No, sir.

Q Would you know her if you were to see her? A I would if she has not changed very much, because I was very personally acquainted with her.

Q Do you know whether the woman who is an applicant here for enrollment is the one you knew up in Kansas? A I haven't seen her since, but I know that is her name.

Q You don't know anything about the woman who is applying for citizenship down here? A I would know her if I was to see her.

Q You don't know where Joe Duncan was in 1856, do you? A I don't know where he was, but he must have been, I don't know that he had come out of this place at that time, I knew he bought the place joining us.

Q You don't know when he bought it? A He bought it a year or two after the war and came there, he was a young man when he came there; he was married, & he married a widow woman.

Q And that was after the war sometime? A Yes, sir.

Q How many years after the war? A I don't know.

Q Was it one or two, or more? A I don't know.

Q You didn't pay much attention and could not say? A I don't know.

Q Now, did you know about his marrying his first wife?

A No, sir.

Q Married before did he? A I knew her but I don't know.

Q Did you know her before he married her? A No, sir.

Q You don't know what he had before he married her? A She had two or three children.

Q She never had any property? A She never had any.

Q Why? A She was too poor.

Q Joe didn't have any money to buy the place with? A He went to work and bought it.

Q Did you ever see him pay anything for it? A No, sir.

Q Now, the deed is on record there if that is his place? A It ought to be.

Q Well, is it? A I don't know.

Q You don't know that that was Joe Duncan's place? A Yes, sir, I knew he bought the place.

Q How do you know he bought it? A How does anybody know anything?

Q How do you know he owned it? A He lived on it and owned it.

Q That was his first wife's place before he married her?

A No, sir, I know he went to work and was paid for it.

A MR. HASTINGS: What is your husband's name? A James Walker.

JAMES WALKER, being duly sworn by Commissioner Needles, testified as follows, on part of the Cherokee nation:

MR. HASTINGS: What is your name? A James Walker.

Q What is your age, Mrs. Walker? A I am in my 75th year.

Q Where do you live, A Up there in Linn County, in Blue Mound Township.

Q Kansas? A Yes, sir.

Q Did you ever live near Mound City, Kansas? A Yes, sir.

Q When did you move away from that neighborhood? A About three years ago.

Q Did you know a colored man up there by the name of Joe Duncan.

A Yes, sir, I knew him well.

Q Did you know what his wife's name was? A Only first names, his first woman was called Millie.

Q What was his second wife? A Just Lizzie that is all I remember about their names.

Q Did his first wife die? A She died up there on that place.

A On what place? A The place they lived on at that time.

Q How far was that from your place? A Well, it cornered with my place.

Q Do you know whose place it was they lived on? A They called it Joe Duncan's.

Q How long did he live on that place by you? A From the time he acquired possession, when he bought it, or bid it off on the auction sale of School Land, the 36th section.

Q How long did he live on it after that? A 30 years or more.

Q Now, how far was that from your place? A It was, they cornered as I told you, and we would be perhaps near about 150 rods, houses maybe 200.

Q Well, you know him during that time did you? A Yes, sir.

Q Did he have some children? A He had quite a number of children.

Q Did you know any of the names of any of them? A Pretty much, the boys, some of them, about the little ones I could not tell you.

Q Did you know whether his wife had any children before she married, whether he had any stepchildren by his first wife? A I don't know anything very much about the children, for I never asked them about them.

Q Do you know where he and his second wife were married? A Well, yes, I remember about it perfectly well.

Q Were you present or just neighborhood news? A Just neighborhood news.

Q Well, now, about what year do you think they first ~~lived~~ left there, Mr. Walker? A I almost know for certain it was about '80.

Q Now, I believe you state for more than 20 years he lived on this farm adjoining yours? A Yes, sir.

Q Did you see him frequently? A Yes, sir, two or three times a day for that matter and maybe not more than once a week, just as happened; he was often about my place, we borrowed and loaned tools and was there a good many times.

MR. MELLETT: When did you get acquainted with Joe Duncan?
A Well, it was first when he moved there that year got really acquainted with him.

Q When did he move there? A It was when he bought that place, that was several years after the war.

Q You don't know where he was in 1866, '67 and '8? right after the war? A I would not be certain about that time.

Q All you know is that he came there sometime after the war?
A Yes.

Q And he bought that place? A He bought it off at the sale, auction of school land.

Q Did he buy it? A I understand he did.

Q You don't know anything about that of your own knowledge?

A Wasn't present at the same.

Q Well, you think that was four or five years after the war that he came there, don't you? A Yes, I do.

Q More than that? A I could not say.

Q Might have been more than that? A Might have been more.

Q You don't know where he was before that time?

A I heard of him being up on what we called Sugar creek.

Q Did you know of him? A I heard of him.

Q When did you hear of them? A He claimed acquaintance with me, that he worked on a building in Fort Scott before he moved there and I remembered him afterwards I thought; he was a good big chunk of a boy.

Q He was a plasterer by trade? A Stone mason.

Q Well, after he came there and moved near you, he was away a great deal? A Yes, as he went away working.

Q Well, he was down in the territory working? A I don't know of his being there, he might have gone, I never paid any attention.

Q You generally watched him very close? A No.

DOUGLAS WALKER, being duly sworn by commissioner Reedles, testified as follows:

MR. HASTINGS: What is your name? A Douglas Walker.

Q What is your age? A 50 years old.

Q This your father who has just left the stand? A Yes, sir.

Q You have been living around Mound City, Kansas? A Since '87, Ma

Q Did you know a colored man up in that country by the name of Joe Duncan? A Yes, sir.

Q Did you know his wife? A Yes, sir.

Q Did he have more than one? A Yes, sir.

Q Did you know his wife first? A Yes.

Q What was her name? A Millie.

Q What was his second wife's name? A Elizabeth.

Q Did you know her name before he married her?

A No, I don't know as I did.

Q Did he have any children? A Yes,

Q Do you remember any of his children's names? A Yes,

Q Well, what were their names? A Which one was the first?

- Q By any of them? A There was Lawson Duncan, Joe Duncan, Joe died there; George Duncan, Ann Duncan, Elizabeth Duncan, they was the first of family.
- Q Well, by his second wife? A Yes, I know ther names, two or three of them.
- Q Well, just identify then M? A One was called Joel, clear forgot ten the others names yet I know them.
- Q How far did Joe Duncan live from you? A We joined farms, there was a road between them.
- Q About how far were your houses apart? A Two hundred yards probably.
- Q Now, how long did ~~xx~~ he live there near your family or your father's family? A To the best of my recollection he moved there in '67 or '8, he moved away in '89, December.
- Q That is your best judgment? A Yes, sir, I didn't keep any dates
- Q You know he lived there a number of years. A Yes, a number of years.
- Q Did you see him frequently? A Oh, yes, worked for mine.
- Q Did he own a farm there? A Yes, sir.
- Q Lived on it? A Yes, sir.
- Q Where did his first wife die? A She died there.
- Q Any of the children by his second wife born there? A Two or three.
- Q Do you know where they went to when they left there? A Said they were coming to the Cherokee Nation.
- Q Had you ever seen Joe Duncan before he moved on this farm and lived near you? A Yes, I had say him but wasn't acquainted with him.
- Q Well, now, during these years that you state that he lived near you did you miss him for any considerable time? A I don't remember that I did; well, he was a stone mason, he worked some at the Carpenter trade.
- Q Did you miss his family? A No, sir.
- Q Did you know whether his family attended those school up there? A Yes, sir, I was clerk of the district part of the time.
- Q Do you know whether Joe Duncan voted? A Yes, sir, he voted at the school meetings and voted at the elections.
- MR. MELLETT:** You don't know where Joe Duncan was in 1866 and '77 and '8 do you? A Yes, part of that time I do.
- Q Where? A I don't remember positive whether it was '67 or '68 when he bought this tract of school land joining me, but it was close there, one or the other of those years.
- Q There is a record of it? A I suppose there is. The land was sold at auction.
- Q You know it was one of those years? A Yes, it might have been as late as '68, I haven't kept any dates.
- Q May not it have been as late as '69? A I think not.
- Q Why not? A Well, from certain things that transpired; there was a section of land other parties bought there.
- Q You don't know whether he was in the Nation in '66 or not, do you? A No, I do not.

J. J. HAWKINS, being duly sworn by Commissioner Needles, testified as follows, on part of Cherokee Nation:

- MR. HASTINGS:** What is your name? A J. J. Hawkins.
- Q What is your post office? A Mound City, Kansas.
- Q How old are you? A 63.
- Q How long have you lived in and about Mound City Kansas? A 33 years.
- Q Did you know a colored man up in that country by the name of Joe Duncan? A I did.
- Q Where did he live? A He lived about seven miles west of Mound City.
- Q Lived on a farm? A Yes, sir.

Q How far from you? A Well, about two or three years.
Q How long did you know him to live there? A Well, I lived in that neighborhood about seven years and my impression is that Duncan was there all the time I lived there.
Q Did you move away from there? A I moved away.
Q Now, when did you move away? A I moved away in the fall of '75.
Q And he had been there now about how long before that?
A He had been there since '68; I went there in 1868.
Q You think he was there when you went there? A Yes, sir.
Q And you left him there? A Yes, that is my recollection.
Q How far ~~from you~~ did you move from there? A Moved seven miles.
Q Did you know anything about him after that? A Yes, sir.
Q Well, now, how long did you know anything about him?
A Well, I think I knew Joe somewhere up to '85 or '90; I could not be particular but it was between '80 and '90.
Q How far was he living from Mr. Walker that just left the stand when you first knew him up there? A When I first knew him he didn't live near Mr. Walker at all.
Q Well, did he afterwards move near him? A Yes, sir.
Q Mr. Walker has been a witness here? A Yes, sir.
Q I believe you had no personal acquaintance with his family?
A No, sir.

MR. MELLETTTE: Well, when did Joe Duncan come and move on that place close to Mr. Walker's? A I could not tell you when he went.
Q Well, about what year? A I could not give you the year.
Q Did he go to living on that place while you were there?
A I could not tell you that.
Q You don't know where he lived? A When?
Q when you lived there? A Yes.
Q you said you lived in there about seven years until 1875?
A Yes, sir.
Q About how close did you live to him? A About two or three miles.
Q Did he live on the place close to Walker's at that time?
A No, sir, did not.
Q Didn't live anywhere close to Walker at that time?
A He lived somewhere in the neighborhood, about six or seven miles.
Q Lived six or seven, eight miles of these Walkers that testified here? A You don't understand me, he lived in the same district I did; I moved in the district that Joe Duncan lived in, I moved away from there in '75; I don't know when Joe Duncan moved away from where I first got acquainted with him.
Q I understand you; he didn't live in the neighborhood of the Walkers when you moved in that district? A No, sir; he may have moved before I moved away and may not.
Q Well, during the time he lived in there he didn't live near the Walkers, that is he didn't live adjoining farm to them?
A No, sir, not up until '85, my recollection is he didn't live near the Walkers.
Q He must have lived six or seven miles from them? A Yes, sir.

ROBERT FLEMING, being duly sworn by Commissioner Needles, testified as follows on part of the Cherokee Nation:

MR. HASTINGS: What is your name? A Robert Fleming.
Q where do you live, Mr. Fleming? A I live at Round City, Kansas.
Q How long have you lived there? A 43 years.
Q How old are you? A 50 years old.
Q What is your business? A I am what you call livestock dealer.
Q Mr. Fleming, did you know a colored man up in that country by the name of Joe Duncan? A I do.
Q Did you know his family? A I don't know much about his family; I knew them when I met them in the road I didn't know their names.

Q You don't know their names? A Not all of them.
Q Did you know his wife's name? A Yes, sir.
Q What was her name? A Her name was Jizzie, she was widow woman, Spence I believe she lived at our house when they married.
Q Now, when did you first learn to know Joe Dunan?
A Oh, I have known him a good many years, I first remember him sometime after the war, I guess it was, he lived near us on what is called Montgomery farm.
Q About how long have you known him? A I guess 30 years.
Q I mean about how long after the war when you first learned to know him? A It was right immediately after the war, I think; I would not fix the date.

MR. MELLETTTE: How? A It was immediately after the war.

MR. HASTINGS: Was he married when you first knew him?

A I could not say that.
Q Do you remember his first wife's name? A No, sir.
Q Well, a few years after you knew him what was he doing?
A He lived on Col. Montgomery's farm.
Q Where did he go from that Montgomery farm? A He moved from there over to Elk creek about five miles; well, he was in town a while.
Q Mount City? A Yes, sir, but I could not tell when I remember seeing him in town.
Q Well, now, about what time did you know him; when did he leave there? A He left there in about '90 or '91; '90 I think.
Q Now, how do you fix that date? A Well I remember Joe Duncan built a flue for me; built a wall for the house, I built the wall and he built the flue for the house in '90.
Q Do you know where his family was at that time? A I think they had moved away, I could not tell just when, but I think they

away a while before he built this flue because I think he talked to me about it. ^{moved}

Q Do you know where his family went to? A I think they came down in this country somewhere.
Q Well, now, during all these years you knew him did you see him frequently? A Well, from about '75 I saw him very frequently, somewhere about '75.

Q Did you live in town? A Yes, sir; the way I remember it I was dealing in stock and I had some dealings with him all along same as other farmers, buying and shipping.

Q Do you know whether he owned a farm or not? A Yes, sir, I think he owned a farm; he lived on there on Elk Creek, he claimed to own it.

MR. MELLETTTE: When did he go to living on that farm he claimed to own? A I could not tell exactly.

Q Well, about what time? A I should think it was, well it would be just guess work.

Q I know that, but then give us a guess? A Well I know his family lived there in '75.

Q You say it has been about 30 years since you knew Joe Dunan?
A Yes, sir.

Q That would be about '70 you got acquainted with him?
A Yes, sir, somewhere along there.

Q You don't know where he was in 1866 and '67, years of that kind?
A Well, I would not swear positively but he was around there I saw him, seen him a great deal he lived in our neighborhood, the same creek we lived on.

Q When was he there you say he was there in 1866? A I would not swear he was.

Q How old are you? A I am 50, I know he was there, he might have been here somewhere, but he was there in 1866, he was there all along every year, but he might have been here on business, I could not tell as to that.

O. P. WATSON, being duly sworn by Commissioner Needles, testified as follows: On behalf of the Cherokee Nation:

MR. HASTINGS: What is your name? A O. P. Watson.

- Q What is your age? A 51.
- Q How long have you lived in and about Mound City, Kansas; you live there don't you? A Yes, sir.
- Q How long have you lived in and about Mound City, Kansas? A 51 years.
- Q Did you know a colored man by the name of Joe Duncan? A Yes, sir.
- Q Did you know his wife? A I knew his last wife, I didn't much about his first wife.
- Q Do you know where his first wife died? A Mound City.
- Q Do you know where he was married to his second wife? A Mound City.
- Q What was her name? A I think her name was Lizzie, or Elizabeth.
- Q Do you know whether she had ever been married before or not? A No, sir, I don't.
- Q Well, about when did you first learn to know Joe Duncan? A Soon after the close of the war.
- Q About how long did you know him, and about when did he leave there? A He left there in '89.
- Q Well, you saw him after the war up until 1889, did you see him frequently; do you know of his family? A Yes, sir.
- Q Were they living near there? A Yes, sir.
- Q What is your occupation? A I am not doing anything now, I used to be in the Mercantile business.
- MR. MELLETTTE: Well, how soon after the war did you get acquainted with Joe Duncan? A I could not say, soon after the war; he was what we call an old timer there.
- Q You can't give the year? A Yes, sir.
- Q You don't claim to have known him in 1866 or 1867? A I presume I did, but I am not positive.

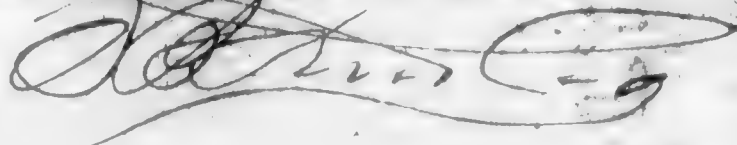
Com'r Needles: This testimony will be ~~fit~~ made part of the record in Freedman doubtful cases #892 and 893.

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J. O. Rosson, being first duly sworn states that as stenographer to the Commission to the five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this October 10th, 1901.



Commissioner.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
VINITA, I.T., OCTOBER 15th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Jack Brady as a Cherokee freedman, introduced on part of the Cherokee Nation:

D. H. FLOURNOY, being fully sworn by Commissioner Needles, testified as follows on part of the Cherokee Nation:

APPEARANCES:

Mr. J. F. Faulds, Attorney for Applicant, and applicant present in person.

Mr. J. S. Davenport, of Council for Cherokee Nation.

- MR. DAVENPORT: What is your name? A D. H. Flournoy.
- Q Where do you live, Mr. Flournoy? A Chelsea.
- Q How long have you lived in the Cherokee Nation? A I moved here in '84.
- Q Where did you live prior to coming to the Indian Territory?
- A Quitman, Wood county, Texas.
- Q Did you ever know the applicant herebefore you you came to the Indian Territory? A Yes sir
- Q Where was he when you knew him? A In Texas.
- Q How far did he live from you? A When I first knew him he lived about two miles and afterwards he lived on my father's place.
- Q Did you know his mother? A Yes sir.
- Q What was her name? A Eliza.
- Q Did you ever know them there by the name of Brady? A No sir.
- Q What name did they go by there? A They go by the name of Thompson.
- Q When did you know the boy; when did the applicant's mother come to the state of Texas? A The first time I remember of seeing them was in 1863.
- Q Before or after the war closed? A Before the war closed.
- Q Where was the applicant? A Well, she had quite a number of small children, I didn't really know them until along, well I believe it was in '68.
- Q Was the applicant there with her in '68? A Yes sir, she lived there, on my father's farm.
- Q What kind of a boy was he then? A He was about, as well as I relelber, he was about seven or eight years old.
- Q Well, how long did you know them there after that, in the State of Texas, about how long did they live there? A Well Jack remained there until '82 or '83 and then he came to the Territory.
- Q Where was his mother, did she come? A No sir, the balance of them is there yet.
- Q He has other brothers and sisters has he? A Yes sir.
- Q Where are they? A They are living at Quitman, Wood County, Texas.
- Q Do you know any of their names? A Yes sir.
- Q What are some of their names? A The eldest boy is named Jim, and he has a sister by the name of Jennie and Amy, and has brother older than him is named Dan.
- MR. FAULDS: You say you saw him there in '63? A I saw his mother and some little children there; that I don't know. I ~~was~~ am pretty well satisfied he was there with her.
- Q Do you know whether or not he was there with them in '63; you look at this man? A I know him.
- Q Was he the same boy? A He was with the children there in '63, grown up there in the town where I lived.
- Q Are you sure of that now, that this identical person you saw there in '63, positive of that? A Well I could not say positive

that he was, but he was there with the balance of the children, he was small at that time.

- Q There were some children there? A Yes sir.
- Q Little darkies running around, that is about all you know.
- A Yes sir.
- Q You don't know whether this particular boy was there or not?
- A Yes sir.
- Q Isn't that a fact; you can't swear it? A No sir.
- Q Now, in '63, where was this applicant's mother living?
- A Quitman, in Texas.
- Q How far was that from where you live? A About a mile and a half from where I lived.
- Q Well, did you know them right along after that? A Yes sir.
- Q Up until when? A I know all of them yet.
- Q Why do you fix the date as 1863? A In '63 they was some houses burned there, a mill house and she was living with a widow woman, and they had this widow woman and his mother up kinda peculiar to burning the Mill house, that's why I remember her distinctly, it was in '63 that this Mill was burned.
- Q Well, in 1863 was the country where they were living thickly inhabited? A Right in that immediate neighborhood there it was; they lived in town.
- Q And then you didn't see them again until 1868? A Oh yes, I saw them right along; in the spring of '68 I come up into this country and then I went back in the fall of '68 and they were then living on my father's farm and in '69 they were living there.
- Q On your father's farm? A Yes sir.
- Q Where did you; after '69 where were you living? A I remained there in the country until in '84.
- Q When did you say they left there and came to the Indian Territory?
- A There was no one left except Jack; Jack came here in about '83, probably might have been '82.
- Q Did you know of his going to school there? A Yes sir, he went to school there; I first taught him his A. B. Cs; he was kinda under my control and I taught him his A.B.Cs.
- Q You were teaching school? A No sir, he was a boy around me, helped me and at night I would learn him his letters.
- Q When was it you taught him his A.B.Cs? A He was about seven or eight years old.
- Q Well, then, the first time I suppose you paid any attention to him when you taught him his A.B.Cs? A Well, he was there before that.
- Q They came to your place in '68 or '69, did they? A Yes sir, in the fall of '68 they lived on my father's place.
- Q Before '68 they weren't living on your father's place? A No, sir.
- Q That was the first time you begin to know this boy? A No, I knew him before that, I knew him right up after the war, in '65 and '66 and '67 and on, but at the time I first discovered I knew his mother was in '63 and I didn't know this boy, he was quite young, but she had several children with her there.
- Q And that is about all you know about it? A Yes sir.
- Q Well, '63 was the first year and then '64 and '65, did you see much of him during those years? A I knew them right along.
- Q Well, did you go there to visit them? A No sir.
- Q What were you doing there? A I lived there, sir.
- Q I mean at their place? A Why passing by, and know them like I knew all black ones in the country; there was not a black one in the country but what I knew him and I knew them.
- Q There was not a child two years old in the country except you knew? A I knew most all of them.
- Q You knew all the people, children two years old and up and knew them apart? A I don't know about telling their names, I knew whose children.
- Q You met one of those children twenty miles from home you would have known him? A Yes sir, I would have known them.

- Q All them that were two years of age, little colored children?
A Yes sir
- Q Now, this particular man, the applicant, could have been brought here to this Territory during the war; you say you saw some children there in '63 and that is about all you know about that; this woman living there with some children; now, this particular applicant could have come back to the Territory? A If he did he didn't come with his mother.
- Q But you can't undertake to swear this applicant wasn't brought back here during the war? A No, only to the best of my knowledge he was there in '63 and remained there.
- Q To the best of your knowledge? A To the best of my knowledge.
- Q But still you can't swear it? (No response).
- Q He swear he was brought back here after he first went there?
Mr. Davenport: I object to that; he doesn't swear to that; he swears he left here after the war and was not brought back here.
- Q Now, what he says is that he was not carried down there until after the war into Texas; now are you prepared to say that this is untrue? A No, I don't pretend to say that this is untrue because there were several children with her at the time.
- Q And you could not distinguish the children apart except you knew there were some children there? A Yes sir, I knew them as her children.
- Q Now, isn't this a fact, that the first time you begun to pay attention to this boy here was when you begun to teach him his A. B.Cs? A Well, no; I had seen him before that.
- Q I mean to get acquainted with him well? A I had no dealings with him until my father employed him.
- Q They came there in 1868 on your father's farm and that is the first time you were interested in this applicant? A Yes sir.
- Q And before you weren't interested in this applicant?
A He was there in the country.
- Q He was there in the country when you were teaching him certainly?
A Well, he was there before I come in the spring of '68 and he was there when I left there.
- Q But how long before '68, you don't know, do you; now, be honest?
A I could not say that I do because he was there with the balance of the children.
- Q In '68. A Yes sir.
- Q But in '66 and '67 you don't know where he was; you don't know where he was in '65 to swear to positively? A Well, his mother lived there in town.
- Q I am not talking about his mother; children you know get separated from his people very often? (No response).
- Q Now, he says that he didn't go to Texas until after the war, he swears to that; now are you going to swear that that statement is untrue? A No, I could not swear that.
- MR. DAVENPORT: His mother was there, Mr. Flournoy, as I understand, and family in '63. A Yes sir.
- Q She had a number of children there at that time? A Yes sir.
- Q And his mother resided there continuously from 1863 until the time of her death? A Yes sir.
- Q Together with a number of the children that grew up in the family with this boy? A Yes sir.
- Q And you are positive you knew this boy sometime from, say '67, up until about 1882? A Yes sir.
- Mr. Faulds: I object to him leading the witness.
Com'r Needles: He is not leading him.
- Q When you began to know this boy, how large was he?
A He was about five years old when I met him as a boy; I knew him as his mother's child when he was quite small.
- JACK BRADY, the applicant, called to the stand, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Jack Brady.
Q Did you ever go by the name of Jack Thompson? A Yes sir.
Family went by the name of Thompson.
Q What family? A My mother's family.
Q Was your mother's name Thompson? A No sir, she was a Vann, she belonged to the Vanns.
Q Now explain how she went by the name of Thompson? A Well, Thompson's daughter I think married a Vann and she was given to his daughter and her husband got, died, or got killed, somehow or another and he taken charge of his daughter's negroes and they all went in the name of Thompson.
Q Well, did you ever go by the name of Thompson? A Yes sir.
Q Why did you change from Thompson to Brady? A That was my father's name and I went by his name.
Q Is your name of the Wallace roll? A Yes sir.
Q How are you on the Wallace roll, by the name of Brady or Thompson?
A Jack Thompson.

The Wallace roll of Cherokee Freedmen examined and name of applicant found thereon, page 142, #2964, Jack Thompson, Tahlequah District; Note: "Son of Barney Brady."

- MR. PAULDS: Barney Brady was your father? A Yes sir.
Q In fact you now go by the name of Jack Thompson? A Yes sir.
Q Don't most of the people know you by the name of Jack Thompson?
A Yes sir, they all know me by the name of Jack Thompson.
MR. DAVENPORT: Jack, what year was it you entered the Normal School in the State of Texas? A I think it was in '80.
Q And you continued there in school up until '85?
A No sir, I didn't continue in the Normal until '85, I was instructed privately.
Q Well, you stayed in Texas from the time you entered the Normal School until 1885, didn't you? A No sir, I think I come back here in '79.
Q Well, you went to the Normal school in 1879? A Yes sir.
Q Now what year did you go? A I went in '80.
Q Just go one year? A I went to the Normal there one year.
Q Where were you in '81, '2 and '3? A I think I was in Texas.
Q As a matter of fact you were in Texas when the Wallace roll was made wasn't you? A No sir.
Q Well, if the Wallace Roll was made in '83 you were in Texas.
A The Wallace roll wasn't made in '83.
Q Well, you were in Texas those years, from '80 to '83?
A From '80 until '83 I was in Texas.
COM'R NEEDLES: You drew your money on the Wallace Roll?
A Yes sir.
MR. DAVENPORT: You remember the circumstances related by Mr. Flournoy in Texas? A I was on his farm in 1868.
Q Do you remember the circumstances of the mill being burned and your mother being accused of it? A That is too early for me.
Q You were born in '64, weren't you? A I guess so, according to what my mother states.
Q And your mother was in Texas at that time? A She says she was there.
Q What do you say about it? A I don't know.
Q Where were you when you can first recollect? A I suppose I was in Texas.
Q Don't you know? A I was in Texas I know.

COM'R Needles: This testimony will be filed with the papers in the case.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the

foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. D. ROSEB.

Subscribed and sworn to before me this October 17, 1905.

(Signed) T. B. NEEDLES,
Commissioner.

Jessie Davies, stenographer to the Commission to the Five Civilized Tribes, having been first duly sworn, states that the above and foregoing is a true and complete copy of the original testimony now on file with the Commission.

Jessie Davies

Subscribed and sworn to before me this January 5th, 1905.

Charles W. Sawyer
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
VINITA, I.T., OCTOBER 15th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Jack Brady as a Cherokee Freedman, introduced on part of the Cherokee Nation:

D. H. Flournoy, being fully sworn by Commissioner Needles, testified as follows on part of the Cherokee Nation:

APPEARANCES:

Mr. J. P. FAULDS, Attorney for applicant, and applicant present in person.

Mr. J. S. Davenport, of Council for Cherokee Nation.

- MR. DAVENPORT: What is your name? A D.H.Fleurnoy.
- Q Where do you live, Mr. Flournoy? A Chelsea.
- Q How long have you lived in the Cherokee Nation? A I moved here in '84.
- Q Where did you live prior to coming to the Indian Territory?
- A Quitman, Wood County, Texas.
- Q Did you ever know the applicant here before you came to the Indian Territory? A Yes sir.
- Q Where was he when you knew him? A In Texas.
- Q How far did he live from you? A When I first knew him he lived about two miles and afterwards he lived on my father's place.
- Q Did you know his mother? A Yes sir.
- Q What was her name? A Eliza.
- Q Did you ever know them there by the name of Brady? A No sir.
- Q What name did they go by there? A They go by the name of Thompson
- Q When did you know the boy; when did the applicant's mother come to the state of Texas? A The first time I remember of seeing them was in 1863.
- Q Before or after the war closed? A Before the war closed.
- Q Where was the applicant? A Well, she had quite a number of small children, I didn't really know them until along, as well I believe it was in '68.
- Q Was the applicant there with her in '68? A Yes sir, lived there on my father's farm.
- Q What kind of a boy was he then? A He was about, as well as I remember, he was about seven or eight years old.
- Q Well, how long did you know them there after that, in the state of Texas, about how long did they live there? A Well Jack remained there until '82 or '83 and then he came to the Territory.
- Q Where was his mother, did she come? A No sir, the balance of them is there yet.
- Q He has other brothers and sisters, has he? A Yes sir.
- Q Where are they? A They are living at Quitman, Wood County, Texas
- Q Do you know any of their names? A Yes sir.
- Q What are some of their names? A The eldest boy is named Jim, and he has a sister by the name of Jennie and Amy, and has brother older than him is names Dan.
- MR. FAULDS: You say you saw him there in '63 '63? A I saw his mother and some little children there; that I don't know. I am pretty well satisfied he was there with her.
- Q Do you know whether or not he was there with them in '63; you look at this man? A I know him.
- Q Was he the same boy? A He was with the children there in '63, grown up there in the town where I lived.
- Q Are you sure of that now, that this identical person you saw there in '63, positive of that? A Well, I could not say positive that he was, but he was there with the balance of the children.

- he was small at that time.
- Q There were some children there? A Yes sir.
- Q Little Darkies running around, that is about all you know?
- A Yes sir.
- Q You don't know whether this particular ~~black~~ boy was there or not?
- A Yes sir.
- Q Isn't that a fact; you can't swear it? A No sir.
- Q Now, in '63, where was this applicant's mother living?
- A Quitman, in Texas.
- Q How far was that from where you live? A About a mile and a half from where I lived.
- Q Well, did you know them right along after that? A Yes sir
- Q Up until when? A I know all of them yet.
- Q Why do you fix the date as 1863? A In '63 they was some houses burned there, a mill house and she was living with a widow woman, and they had this widow woman and his mother up kinda peculiar to burning the mill house, that's why I remember her distinctly, it was in '63 that this mill was burned.
- Q Well, in 1863 was the country where they were living thickly inhabited? A Right in that immediate neighborhood there it was; they lived in town.
- Q And then you didn't see them again until '68? A Oh, yes, I saw them right along; in the spring of '68 I come up into this country and then I went back in the fall of '68 and they were then living on my father's farm and in '69 they were living there.
- Q On your father's farm? A Yes sir.
- Q Where did you; after '69 where were you living? A I remained there in the country until in '84.
- Q When did you say they left there and come to the Indian Territory?
- A There was no one left except Jack; Jack came here in about '83, probably might have been '82.
- Q Did you know of his going to school there? A Yes sir, he went to school there; I first taught him his A.B.Cs; he was kinda under my control and I taught him his A.B.Cs.
- Q You were teaching school? A No sir, he was a boy around me, helping me and at night I would learn him his letters.
- Q When was it you taught him his A.B.Cs? A He was about seven or eight years old.
- Q Well, then, the first time I suppose you paid any attention to him when you taught him his A.B.Cs? A Well, he was there before that.
- Q They came to your place in '68 or '69, did they? A Yes sir, in the fall of '68 they lived on my father's place.
- Q Before '68 they weren't living on your father's place? A No, sir.
- Q That was the first time you begin to know this boy? A No, I knew him before that; I knew him right up after the war in '65 and '66 and '67 and on, but at the time I first discovered I knew his mother was in '63 and I didn't know this boy, he was quite young, but she had several children with her there.
- Q And this is about all you know about it? A Yes sir.
- Q Well, '63 was the first year and then '64 and '65, did you see much of him during those years? A I knew them right along.
- Q Well, did you go there to visit them? A No sir.
- Q What were you doing there? A I lived there, sir.
- Q I mean at their place? A Why passing by, and know them like I knew all black ones in the country; there was not a black one in the country but what knew me and I knew them.
- Q There was not a child two years old in the country except you knew? A I knew most all of them.
- Q You knew all the people, children two years old and up and knew them apart? A I don't know about telling their names, I knew whose children.

- Q You meet one of those children twenty miles from here you would have known him? A Yes sir, I would have known him.
- Q All them that were two years off age, little colored child?
- A Yes sir.
- Q Now, this particular man, the applicant, could have been brought here to this Territory during the war; you say you saw some children there in '63 and that is about all you know about that; this woman lived there with some children; now, this particular applicant could have come back to the Territory? A If he did, he didn't come with his mother.
- Q But you can't undertake to swear this applicant wasn't brought back here during the war? A No, only to the best of my knowledge he was there in '63 and remained there.
- Q To the best of your knowledge? A To the best of my knowledge.
- Q But still you can't swear it? (No response).
- Q He swear he was brought back here after he first went there?
- Mr. Davenport: I object to that; he doesn't swear that; he swears he left here after the war and was not brought back here.
- Q Now, what he says is that he was not carried down there until after the war in Texas; now are you prepared to say that this is untrue? A No, I don't pretend to say that this is untrue because there were several children with her at the time.
- Q And you could not distinguish the children apart except you knew there were some children there? A Yes sir, and I knew them as her children.
- Q Now, isn't this a fact, that the first time you begun to pay attention to this boy here was when you begun to teach him his A. B.C.s? A Well, no, I had seen him before that.
- Q I mean to get acquainted with him well? A I had no dealings with him until my father employed him.
- Q They came there in 1868 on your father's farm and that is the first time you were interested in this applicant?
- A Yes sir.
- Q And before you weren't interested in this applicant?
- A He was there in the country.
- Q He was there in the country when you were teaching him certainly?
- A Well, he was there before I came in the spring of '68 and he was there when I left there.
- Q But how long before '68, you don't know, do you; now be honest?
- A I could not say that I do because he was there with the balance of the children.
- Q In '68? A Yes sir.
- Q But in '66 and '67 you don't know where he was; you don't know where he was in '65 to swear he it positively?
- A Well, his mother lived there in town?
- Q I am not talking about his mother; children you know get separated from his people very often? (No response.)
- Q Now, he says he didn't go to Texas until after the war, he swears to that; now are you going to swear that that statement is untrue?
- A No, I could not swear that.
- MR. DAVENPORT: His mother was there, Mr. Fleurnoy, as I understand, and family in '63? A Yes sir.
- Q She had a number of children there at that time? A Yes sir.
- Q And his mother resided there continuously from 1863 until the time of her death? A Yes sir.
- Q Together with a number of children that grew up in the family with this boy? A Yes sir.
- Q And you are positive you knew this boy sometime from, say '67, up until about 1882? A Yes sir.
- Mr. Paulds: I object to him leading the witness.
- Com'R. Needles: He is not leading him.
- Q When you began to know this boy, how large was he? A He was about five years old when I met him as a boy; I knew him as his mother's child when he was quite small.

JACK BRADY, the applicant, called to the stand, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Jack Brady.
Q Did you ever go by the name of Jack Thompson? A Yes sir. Family went by the name of Thompson.
Q What family? A My mother's family.
Q Was your mother's name Thompson? A No sir, she was a Vann, she belonged to the Vanns.
Q Now, explain how she went by the name of Thompson? A Well, Thompson's daughter, I think, married a Vann and she was given to his daughter and her husband got, died, or got killed, someway or another and he taken charge of his daughter's nergos and they all went in the name of Thompson.
Q Well, did you ever go by the name of Thompson? A Yes sir.
Q Why did you change from Thompson to Brady? A That was my father's name and I went by his name.
Q Is your name on the Wallace roll? A Yes sir.
Q How are you on the Wallace roll, by the name of Brady or Thompson?
A Jack Thompson.

The Wallace roll of Cherokee Freedmen examined and name of applicant found thereon, page 142, #2964, Jack Thompson, Tahlequah district; Note: "Son of Barney Brady."

- MR. FAULDS: Barney Brady was your father? A Yes sir.
Q In fact you now go by the name of Jack Thompson? A Yes sir.
Q Don't most of the people know you by the name of Jack Thompson?
A Yes sir, they all know me by the name of Jack Thompson.
MR. DAVENPORT: Jack, what year was it you entered the Normal School in the state of Texas? A I think it was in '80.
Q And you continued there in school up until '85? A No sir, I didn't continue in the Normal until '85, I was instructed privately
Q Well, you stayed in Texas from the time you entered the Normal school until 1885, didn't you? A No sir, I think I come back here in '79.
Q Well, you went to the Normal school in 1879? A Yes sir.
Q Now, what year did you go? A I went in '80.
Q Just go one year? A I went to the Normal there one year.
Q Where were you in '81, '2 and '3? A I think I was in Texas.
Q As a matter of fact you were in Texas when the Wallace roll was made wasn't you? A No sir.
Q Well, if the Wallace roll was made in '83 you were in Texas?
A The Wallace roll wasn't made in '83.
Q Well, you were in Texas those years, from '80 to '83?
A From '80 until '85 I was in Texas.
COM'R NEEDLES: You drew your money on the Wallace roll?
A Yes sir.
MR. DAVENPORT: You remember the circumstances related by Mr. Flournoy in Texas? A I was on his farm in 1868.
Q Do you remember the circumstances of that mill being burned and your mother being accused of it? A That is too early for me.
Q You were born in '64, weren't you? A I guess so, according to what my mother states.
Q And your mother was in Texas at that time? A She says she was there.
Q What do you say about it? A I don't know.
Q Where were you when you can first recollect? A I suppose I was in Texas.
Q Don't you know? A I was in Texas I knew.

Com'R. Needles: This testimony will be filed with the papers in the case.

Supl. C.T.D.#188 --8

J. B. Henson, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. B. HENSON.

Subscribed and sworn to before me this October 17th, 1901.

(Signed) T. B. HUNTER,
Commissioner.

Josie Davis, stenographer to the Commission to the Five Civilized Tribes, having been first duly sworn, states that the above and foregoing is a true and complete copy of the original transcript now on file with the records of the Commission.

Josie Davis

Subscribed and sworn to before me this 30 day of January, 1905.

H. H. Hunter

Notary Public.

Department of the Interior
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
JACK BRADY as a Cherokee Freedman.

Appearances:

A. S. Moran, Muskogee, I.T. Attorney for applicant,
Mr. W. W. Hastings, Cherokee Representative.

John P. Wilson, being first duly sworn, testified as follows on part of the Cherokee Nation:

MR. HASTINGS:

- Q What is your name? A John P. Wilson.
Q What is your post office? A Tahlequah.
Q What is your age, Mr. Wilson? A 40 years old.
Q Where were you born? A Quitman, Texas.
Q When did you come to the Cherokee Nation? A '84.
Q Do you know this applicant who goes by the name of Jack Brady or Jack Thompson, this man here present? A Yes sir.
Q You identify him as being the same person? A Yes sir.
Q Where did you know him first? A Quitman, Texas.
Q When did you begin to know him down there? A Always; he was raised there and I was raised there myself.
Q Have you known him ever since he was a small boy? A Yes sir; we was boys together; I guess I know him all my life, ever since I been big enough to know anybody I know these folks.
Q Did you know his father and mother? A I knew his mother, I didn't know his father.
Q Was she living there? A Yes sir.
Q Living there when you knew him? A Yes sir.
Q How long did you continue to know him in Texas? A Quite a while, he was raised there and I was raised there.
Q Was he living there when you left? A Yes sir, when I left there.
Q And you left there in 1884? A Yes sir.
Q Did you ever miss him any considerable length of time before you left there? A I saw him here in 1885.
Q I mean before you left there? A No sir, I never missed him.
Q How far did he live from you? A I was raised around Quitman, and he taught school out in the country, in the neighborhood I suppose eight or ten miles.
Q What was your grandparents' name on your father side? A Thompson.
Q Did he belong to any of your people? A I don't know; he went by that name.
Q Well, do you know it by family history; of course you don't know it of your own personal knowledge? A No, I don't know.
Q This is the same man you knew there? A This man here is the same man. (Referring to applicant).

MORAN: You say you are 40 years old, Mr. Wilson? A Yes sir.
Q When were you 40? A Last August, born in '61.
Q And you were born about the year 1861? is that correct? A (No response).
Q How old were you when you first learned to know Jack Thompson?
A I was a boy, I don't know.
Q Well, about how old? A I guess we was boys together; I have

known him ever since I was big enough to know anybody; we was boys, I don't know how old I was.

Q Well, were you six or seven years of age? A I don't know just how old I was, I was a boy.

Q Well, I was just asking you, were you six or seven years old?

A I don't remember how old I was; we was boys together.

Q Well, about what year; how long after the war did you learn to know him? A I guess I knew him, I first, I want to tell you during the war and after the war too.

Q Did you know him during the war? A I guess I did, I knew him.

Q The war began in 1861? A That is what I am telling you now.

Q You must have been about a year old? A I was born the year the war began.

Q What I want to know is about how old you were when you first learned to know him; your first recollection of him? A I don't; know; I was a boy; I can't give you the exact date, because I don't recollect; Jack knows I knew him as a boy; he was there and I was there; I could not give you the exact date.

Q Well, about how long after the war was it? A I can't give you the exact date, I don't remember.

Q Well, approximately.

Commission: Can't you tell about how long it was?

A I could not tell the exact year, I was a boy and could not swear to it, but I have known him ever since I was big enough to know anybody.

McRAN:

Q And you are only 40 years old? A 40 years old.

Q You say you knew his mother? A Yes sir.

Q What was his mother's name? A Called Aunt Liza Thompson, I suppose that was her name.

Q Do you know whether or not she was a slave? A I suppose she was I don't know.

Q I am asking your knowledge about it, Mr. Thompson.

Q Well, all the negroes in Texas was slaves as far as I know, and I suppose she was.

Q Was she owned by white people and lived in Texas? A I don't know, I was a boy then.

Q Did you know when she came to Texas? A No sir.

Q Did you know where Jack Thompson was during the war? A Jack Thompson was there when I saw him.

Q Jack Thompson was there during the war? A I don't know whether it was during the war.

Q Well, was it after the war? A It must have been; I was born just about the time the war commenced. I said when I was big enough to recollect him he was in Texas.

Q Well, now, which is the eldest you or Jack? A I suppose Jack is, I don't know.

Q How long did you know him in Texas, about how many years? A I don't know, I come here in '84, I was about 22 years old then; I knew him when I was a kid.

Q How far did you and him live apart? A Well, Jack when I left there was teaching school.

Q I was speaking about when you was boys, how far did you live apart? A We lived in the neighborhood, in this town where I was raised at.

Q Well, from the tenor of your testimony one would infer that your associations with him was intimate; now, you certainly can tell how far you lived apart when you were boys?

Commission: Tell him about how far it was, Mr. Wilson, if you can?

A Well, I don't suppose it was over eight or ten miles at the farthest and part of the time closer; part of the time lived out in the country and part of the time in town.

Q Were you living eight or ten miles apart in the year 1868?

A I don't know, I could not tell you.

Q Did you see him in the year 1868? A Well, I was only about eight years old then, I told you I knew him when I was a boy.

Q Did you see him in Texas in 1867? A I was seven years old then.

Q Yes, about six or seven years old? I told you Jack was raised there.

Q Just answer my question? A No.

Q Did you see him in Texas in 1866? A I was too little to recollect.

Q Then your knowledge about Jack Thompson is very limited? A No, it is not.

Q Well, is it or is it not? A Do you suppose anything-

Q I don't suppose anything. A I knew him I told you since I was a boy, that is the strength of it and that is enough.

Q You don't know when you learned to know him do you?
Commissioner: Just say yes or no, Mr. Wilson?

A I told him when I was a boy I knew Jack and knew his mother and brother.

Q You could have been eight years old and still be a boy and knew him? A I am giving the strength of it and know it.

Q Now, when did you come to the Cherokee Nation, Mr. Wilson?

A I come here in '84.

Q And you left Jack Thompson in Texas? A Jack was there teaching school.

Q When did you next see him? A In 1885.

Q Where at? A Tahlequah.

Q 1884 is the first time you ever came to the Cherokee Nation? A I had been here before.

Q Do you know where Jack Thompson? A I could not swear where he was born; he was born before I was. I think though he was born in Texas, I could not swear to it.

Q Did you know his father? A No, I didn't know his father, I knew his mother.

Q Well, how long have you continued to have seen Jack Thompson in the Cherokee Nation? A Since '85.

Q If he was here before that you don't know anything about it do you?

A No, I don't suppose I would know, I come here in '84 and he come in '85.

Q If he was in the Cherokee Nation in '66 you don't know do you?

A I would not swear that he was here, I think though he was in Texas, he was not hardly old enough to have been away unless he was brought here, I don't know anything about that.

Q Mr. Wilson, did Jack's mother have any children other than Jack?

A Yes, had one called Tom, that was the oldest one I think it was the oldest one, and one named Dan and some girls I forget their names. Tom I think was the oldest.

Commissioner: This testimony will be filed and made part of the record in the case at bar.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. ROSSON.

Subscribed and sworn to before me this February 26th, 1902.

(Signed) C. R. BRECKINRIDGE,
Commissioner.

Josie Davies, stenographer to the Commission to the Five Civilized Tribes, states: on oath, that the above and foregoing is a true and correct copy of the original testimony now on file with the Commission.

Josie Davies

Subscribed and sworn to before me this January 6, 1905.

Charles H. Sawyer
Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. February 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
JACK BRADY as a Cherokee Freedman.

Appearances:

A. S. McRae, Muskogee, I.T., Attorney for applicant,
Mr. W.W.Hastings, Cherokee Representative.

JOHN F. WILSON, being duly sworn, testified as follows on
part of the Cherokee Nation:

MR. HASTINGS:

- Q What is your name? A John F. Wilson.
Q What is your post office? A Tahlequah.
Q What is your age, Mr. Wilson? A 40 years old.
Q Where were you born? A Quitman, Texas.
Q When did you come to the Cherokee Nation? A '84.
Q Do you know this applicant who goes by the name of Jack Brady or
Jack Thompson, this man here present? A Yes sir. *You identify him as
being the same person.
A. Yes sir.*
Q Where did you know him first? A Quitman, Texas.
Q When did you begin to know him down there? A Always; he was
raised there and I was raised there myself.
Q Have you know him ever since her was a small boy? A Yes sir; we
was boys together; I guess I know him all my life, ever since I
been big enough to know anybody I knew these folks.
Q Did you know his father and mother? A I knew his mother, I
didn't know his father.
Q Was she living there? A Yes sir.
Q Living there when you knew him? A Yes sir.
Q How long did you continue to know him in Texas? A Quite a while;
he was raised there and I was raised there.
Q Was he living there when you left? A Yes sir, when I left there.
Q And you left there in 1884? A Yes sir.
Q Did you ever miss him any considerable length of time before you
left there? A I saw him here in 1885.
Q I mean before you left there? A No sir, I never missed him.
Q How far did he live from you? A I was raised around Quitman,
and he taught school out in the country, in the neighborhood I
suppose eight or ten miles.
Q What was your grand-parents' name on your father's side?
A Thompson.
Q Did he belong to any of your people? A I don't know; he went
by that name.
Q Well, do you know it by family history; of course you don't know
it of your own personal knowledge? A No, I don't know.
Q This is the same man you know there? A This man here is the
same man. (Referring to applicant).

McRAE: You say you are 40 years old, Mr. Wilson?

- A Yes sir.
Q When were you 40? A Last August, born in '61.
Q And you were born about the year 1861, is that correct? A (No
response).
Q Now, how old were you when you first learned to know Jack Thomp-
son? A I was a boy, I don't know.
Q Well, about how old? A I guess we was boys together; I have
known him ever since I was big enough to know anybody; we was boys,
I don't know how old I was.

- Q Well, were you six or seven years old? A I don't know just how old I was, I was a boy.
- Q Well, I was just asking you, were you six or seven years old?
- A I don't remember how old I was, we was boys together.
- Q Well, about what years how long after the war did you learn to know him? A I guess I knew him, I first, I want to tell you during the war and after the war too.
- Q Did you know him during the war? A I guess I did, I knew him
- Q The war began in 1861? A That is what I am telling you now.
- Q You must have been about a year old? A I was born, the year the war began.
- Q What I want to know is about how old you were when you first learned to know him; your first recollection of him? A I don't know; I was a boy; I can't give you the exact date, because I don't recollect; Jack knows I knew him as a boy; he was there and I was there; I could not give you the exact date.
- Q Well, about how long after the war was it? A I can't give you the exact date, I don't remember.
- Q Well, approximately?
- Commission: Can't you tell about how long it was?
- A I could not tell the exact year, I was a boy and could not swear to it, but I have known him ever since I was big enough to know anybody.
- McRAK:
- Q And you are only 40 years old? A 40 years old.
- Q You say you knew his mother? A Yes sir.
- Q What was his mother's name? A Called Aunt Liza Thompson, I suppose that was her name.
- Q Do you know whether or not she was a slave? A I suppose she was I don't know.
- Q I am asking your knowledge about it, Mr. Thompson.
- A Well, all the negroes in Texas was slaves as far as I know, and I suppose she was.
- Q Was she owned by white people and lived in Texas? A I don't know I was a boy then.
- Q Did you know when she came to Texas? A No sir.
- Q Did you know where Jack Thompson was during the war? A Jack Thompson was there when I saw him.
- Q Jack Thompson was there during the war? A I don't know whether it was during the war.
- Q Well, was it after the war? A It must have been; I was born just about the time the war commenced. I said when I was big enough to recollect him he was in Texas.
- Q Well, now, which is the oldest, you or Jack? A I suppose Jack is, I don't know.
- Q How long did you know him in Texas, about how many years? A I don't know, I come here in '84, I was about 22 years old then; I knew him when I was a kid.
- Q How far did you and him live apart? A Well, Jack when I left there was teaching school.
- Q I was speaking about when you was boys, how far did you live apart? A We lived in the neighborhood, in this town where I was raised at.
- Q Well, from the tenor of your testimony one would infer that your associations with him was intimate; now, you certainly can tell how far you lived apart when you were boys?
- Commission: Tell him about how far it was, Mr. Wilson, if you can?
- A Well, I don't suppose it was ever eight or ten miles at the furthest and part of the time closer; part of the time lived out in the country and part of the time in town.
- Q Were you living eight or ten miles apart in the year 1868? A I don't know, I could not tell you.
- Q Did you see him in the year 1868? A Well, I was only about eight years old then, I told you I knew him when I was a boy.
- Q Did you see him in Texas in 1869? A I was seven years old then.
- Q Yes, about six or seven years old? A I told you Jack was raised there

Q Just answer my question? A No.
 Q Did you see him in Texas in 1866? A I was too little to recollect
 Q Then your knowledge about Jack Thompson is very limited?
 A No, it is not.
 Q Well, is it or is it not? A Do you suppose anything.
 Q I don't suppose anything. A I knew him I told you since I was a
 boy, that is the straight of it and that is enough.
 Q You don't know where you learned to know him, do you?
 Commission: Just say yes or no, Mr. Wilson.
 A I told him when I was a boy I knew Jack and knew his mother and
 brother.
 Q You could have been eight years old and still be a boy and know
 him? A I was giving the straight of it and know it.
 Q Now, when did you come to the Cherokee Nation, Mr. Wilson?
 A I come here in '84.
 Q And you left Jack Thompson in Texas? A Jack was there teaching
 school.
 Q When did you next see him? A In 1885.
 Q Where at? A Tahlequah.
 Q 1884 is the first time you ever came to the Cherokee Nation? A I
 had been here before.
 Q Do you know where Jack Thompson? A I could not swear where he
 was born; he was born before I was. I think, though, he was born
 in Texas, I could not swear to it.
 Q Did you know his father? A No, I didn't know his father, I knew
 his mother.
 Q Well, how long have you continued to have seen Jack Thompson in
 the Cherokee Nation? A Since '85.
 Q If he was here before that time, you don't know anything about it
 do you? A No, I don't suppose I would know, I come here in '84
 and he come in '85.
 Q If he was in the Cherokee Nation in '66 you don't know do you?
 A I would not swear that he was here, I think though he was in
 Texas, he was not hardly old enough to have been away unless he
 was brought here, I don't know anything about that.
 Q Mr. Wilson, did Jack's mother have any children other than Jack?
 A Yes, had one called Tom, that was the oldest one I think it was
 the oldest one, and one named Dan and some girls I forget their
 names. Tom, I think, was the oldest.

Commission: This testimony will be filed and made part
of the record in the case at bar.

J. O. Rossen, being first duly sworn, states that as stenograph-
er to the Commission to the Five Civilized Tribes he correctly record-
ed the testimony and proceedings in this case, and that the foregoing
is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. ROSSON.

Subscribed and sworn to before me this February 16th, 1902.

(Signed) G. H. BRICKENRIDGE,
Commissioner.

Jessie Davies, having been first duly sworn, and as stenographer to
the Commission to the Five Civilized Tribes, states that the above
and foregoing is a true and complete copy of the original transcript
now on file with the Commission.

Subscribed and sworn to before me this 30 ^{Jan. Davies} of January, 1905.

A. H. Nichols
Notary Public.

1902

REPORT OF THE COMMISSIONER OF THE GENERAL LAND OFFICE
FOR THE YEAR 1902

REPORT OF THE COMMISSIONER OF THE GENERAL LAND OFFICE
FOR THE YEAR 1902

1782

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THE COMMISSIONER OF THE GENERAL LAND OFFICE
REPORT OF THE COMMISSIONER OF THE GENERAL LAND OFFICE
FOR THE YEAR 1902

Freedom D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Washoe, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment
as a Cherokee Freedman:

Applicant appears by Mallette & Smith; Cherokee Nation, by
W. W. Hastings.

By Mr. Smith:

The applicant moves the Commission to make the certified
copy of the decree of the Court of Claims in the case of
James Whitmire, Trustee for the Freedmen, vs The Cherokee Nation,
D. C. 17209, filed in the Marsh Hayden case F. D. 498, a part of the
record in this case and the cases hereinafter mentioned by refer-
ence to the said case of the said Marsh Hayden, and if it be deemed
necessary that a copy of the said decree be filed in this case and
in the following cases, to-wit:

Elizabeth Duncan, D 871;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the intro-
duction of the decree because, first: It does not tend to show
that the applicant was a slave of the Cherokee Nation at the
beginning of the war, nor that he returned within the time specified
in the treaty of 1865, or that he has been a continuous resident of
the Cherokee Nation since that time, or that he is a descendant of
such a person. Second: Because the same is incompetent, irrele-
vant and immaterial, and does not tend to prove an issue in this
case. Third: Because the Commission will take judicial knowledge
of all laws, treaties and decrees necessary for the determination
of the right of any person to make application for citizenship.
Fourth: The Cherokee Nation objects to the filing of a certified
copy of this decree in the case of an applicant unless the same
is copied and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be
sustained and the decree of the Court of Claims filed in the case
of Marsh Hayden shall be made a part of the record by reference in
all the cases above named with the exception of those which come
within the provisions of the temporary injunction recently granted
by Judge Gill of the United States Court, of the Northern District,
Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named
cases, including the Marsh Hayden case that he may file the appli-
cation to enroll, and that he may file all of the proof of any
of all of the cases, and the decree already returned to

~~In the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.~~

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, do hereby state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

Department of the Interior.
 Commission to the Five Civilized Tribes.
 Muskogee, I.T. May 31, 1902.

In the matter of the application of Jack Brady for the enrollment of himself as a Cherokee Freedman.

Applicant represented by A. S. McRea, Cherokee Nation by W. W. Hastings.

Alex Eivens, being sworn and examined as a witness on behalf of the applicant, testified as follows:

- By A. S. McRea: What is your name? A Alex Eivens.
- Q Your age? A 68.
- Q What is your postoffice address? A Fort Gibson.
- Q Mr. Eivens, are you acquainted with the applicant, Jack Brady?
- A Yes sir, I am acquainted with him.
- Q Do you know where he was born? A Yes sir.
- Q Where? A Webbers Falls.
- Q In the Cherokee Nation? A Yes sir.
- Q Do you know where he was during the year 1866? A
 Objected to by Cherokee attorney, W.W. Hastings:
 By W. W. Hastings: Go ahead.
 By the Commission: Answer the question.
- A You say answer the question, in 1866? As well as I can recollect I don't know exactly where he was in 1866. Well he come to his father out on the four mile branch in 1866, at his father's on the four mile branch.
- Q Did you ever miss him from the Cherokee Nation? A Yes sir, I missed him awhile.
- Q How long since had it been since you saw him in the Cherokee Nation the first time after you missed him? A It has been about fifteen or twenty years, somewhere along there, that was the first time.
- Q You must him to come back? A He stayed here about two years.
- Q Did he leave? A Yes sir.
- Q When was the next time you saw him? A Why I don't remember the date; the next time after I seen him he was gone three or four years about, and he come back; I almost disremember the year he come back, when he come back he was gone about three or four years and then he come back and when he come back he went to teaching school on the fourteen mile branch, and he stayed there and taught school about fifteen or sixteen years I reckon.
- Q Are you acquainted with his father? A Well acquainted with him.
- Q What is the name of his father? A Barney Brady.
- Q Is he a recognized citizen of the Cherokee Nation? A Yes sir.
- Q Were you acquainted with his mother? A Yes sir.
- Q Do you remember her name? A Yes sir.
- Q What was her name? A Liza Vann.
- Q Did the father and mother of the applicant belong to Cherokee citizens by blood? A Yes, both of them belonged to Cherokee by blood.
- Q You are a recognized citizen of the Cherokee Nation? A Yes sir.
- Q Your name appears on the authenticated roll of 1880? A Yes sir, that gentleman there knows- on the 1880 roll my name is on there.
- Q About how old is the applicant? A I don't know, I guess he is about forty or forty-five years old as well as I can get at it.
- A. S. McRea: I would like the 1880 roll submitted for the name of Barney Brady, the father of the applicant.
 The 1880 roll submitted and the name of Barney Brady is found in Tableaux No. 111 on page 760, No. 875.
- By W. W. Hastings: Now, are you a colored citizen of the Cherokee Nation? A Yes sir.

- Q How far do you live from Fort Gibson? A I live about four miles east of Fort Gibson, I guess about four miles..
- Q Were you living there in April, 1901, when Jack first made his application to the Commission? A Yes sir.
- Q Were you living there in the month of September, 1901, when the Commission was at Fort Gibson? A Yes sir.
- Q You never testified in this case before? A No sir; not in this case.
- Q You waited until the very last day when they came to close before you came to testify? A No, I didn't wait for that; it wasn't my business to wait. They only asked me to come and testify what I knew about it; so far as waiting I had nothing to do with that that is not my business.
- Q You know Jack's mother? A Yes sir.
- Q Where was she living before the war? A Down at Webber's Falls.
- Q Where were you living? A At John Hivens.
- Q How far was that from Webbers Falls? A Thirty-five miles I think they called it.
- Q Where was Barney Brady living before the war? A At Sam Brady's, between the two rivers.
- Q How far is that from Webbers Falls where the applicant's mother lived? A Well, I don't know, I reckon it was thirty or thirty-five miles from where I lived to Webbers Falls; it was about one mile across the river from me; that might make it 34 miles.
- Q Where did Barney Brady go during the war? A He went North.
- Q Where did the applicant, Jack Thompson, go during the war? A He went south I guess.
- Q Where did you first see Jack after the war? A I seen him at his father's.
- Q Where was his father living at that time? A Living out- we call it now the Six Mile Branch; it was just the other side of me, a mile or a half mile just the other side of me.
- Q Who is living there now? A Barney Brady.
- Q He is living at the same place as when you first seen him after the war? A Yes, that is right, right at the same place. He has it rented out and he moved a little distance from it.
- Q How long did Jack remain there when you first seen him after the war? A About one year or something there, maybe two years.
- Q Well now, what is your best judgment, how long he was gone before he come back and began teaching school? A Well, I will say to my best judgment he was gone about four years.
- Q And when he come back he began teaching school immediately? A Yes, he come right back and began teaching school.
- Q You never saw his mother after the war? A No sir.
- Q You know where she died? A Not exactly, I heard them say she died in Texas; they said she died down south.
- Q Did you see Jack as he come up to his father's, on the way up? A I never saw him until he was at his father's.
- Q You never saw him at Fort Gibson on his way through? A No sir.
- Q But the first time you saw him after the war he was at his father's? A Yes sir, the first time, he was at his father's.
- Q He came back from Texas to see his father, had he? A That is what he said, he come to see his father.
- Q You don't know who he come back with? A No sir.
- Q As far as you know, no one came back with him? A No sir, I don't know of anyone coming back with him; when I seen him he was alone at his father's.
- Q His mother didn't come back with him? A No sir.
- Q His mother was yet alive? A I don't know whether she was alive or not; I never asked him about her, she may have been alive. She was down there some place.
- Q Well, did he say who he come on horse back, in a wagon, or on the train, did he say how? A No sir, when I seen him I never asked him any questions at all, only he was talking with his father at that time, I never asked him how he come or when he came; I didn't ask him no questions, but I know he was Barney's son.

3-Jack Brady-

Q How did you know that? A Because I knowed him ever since he was a little child. A day or two after that I asked Brother Barney and he said it was his son.

Q That was after you saw him out there? A Yes sir, he said that was his son.

Q He was about grown at that time after the war? A He was about grown.

Q Would you judge him to have been seventeen or eighteen years old? A Yes about seventeen or eighteen years old.

Q That was when you first saw him at his father's after the war? A Yes sir.

Q You would take him to be seventeen or eighteen? A Yes sir, I thought he was about that, he might have been younger.

Q He was very near grown? A He was a pretty good sized young man.

Q He stayed there about two years at Barney's? A About two years or one year.

Q Then he sent off again? A Yes sir.

Q He was gone then four years? A Four years to my best judgment he was gone.

Q Was he married when he come back the next time? A No sir, he didn't say so.

Q Did he bring a wife with him? A No sir.

Q But he began teaching school immediately upon his arrival? A Yes,, he didn't stay no time until he began teaching school on Fourteen Mile Creek.

Q He went back by himself to Texas did he? A I guess he did.

Q You are not positive what year it was after the war, you didn't seem to be in your testimony? A No sir, I don't know.

Q You might be mistaken? A I might be mistaken. I want to be straight in this; I want to do right; I don't want to give him no trouble or miself aither. I want to keep the thing straight. I am a little forgetful sometimes.

Q Do you know what year Wallace made the roll? A Yes sir I used to know.

Q Do you know now? A I have forgot it.

Q Do you know what year the Kern-Clifton roll was made? A I knowed that, I have forgot them all, I can't keep anything long in my remembrance, I can't keep it. If I had knowed this I could have brought my remembrance with me. I have knowed it, but I have forgot it now.

A. S. McKee: Mr. Nivens, when Thompson turned back to Texas was it for the purpose of going to school?

By W. V. Hastings: Do you know? A He might have been going back to go to school. I don't know. Tell the truth; I have heard it said, - I don't know.

A. S. McKee: Was you informed? A Yes, I was informed he was going back to school.

Q Did his father ever tell you that? A No sir, I never asked his father anything like that.

W. V. Hastings: The Cherokee Nation now desires to call attention to the fact that applicant testified he was born in 1862 and that this witness said that this applicant was about 17 or 18 years of age at the time he saw him after the war which couldn't have made it less than 1880.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. C. NOTHENDORF.

Subscribed and sworn to before me this 2nd day of June, 1902.

(Signed) P. C. HEUTNER
Notary Public.

Josie Davies, stenographer to the Commission to the Five Civilized Tribes, having been first duly sworn, states that the above and foregoing is a true and complete ~~transcript of the proceedings~~ copy of the original transcript now on file with the Commission.

Josie Davies

Subscribed and sworn to before me this 31st day of January, 1903.

W. H. Hooker
Notary Public.

...the Commission to Five Tribes...
...the Commission to Five Tribes...
...the Commission to Five Tribes...

William

...the Commission to Five Tribes...

Charles

171

FILED
DEC 16 1904
COMMISSION TO FIVE TRIBES

Cherokee Freedmen D 871,
D 892 and D 893.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, August 15, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of ELIZABETH DUNCAN, ET AL., ELIZABETH TINNON, ET AL., and ROMA WILLIAMS, ET AL., as Cherokee freedmen.

It appears that on July 20, 1904, the principal applicants, their attorneys, and the attorneys for the Cherokee nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on August 15, 1904, and then and there introduce further testimony touching the points mentioned in said letter.

APPEARANCES:

Applicants represented by J. J. Bulger, attorney.
Cherokee Nation by its attorney, W. W. Hastings, and Jas. S. Davenport.

H. F. CAMPBELL, being first duly sworn, testified as follows:

By the Commission:

Q What is your name? A N. F. Campbell.

Q How old are you? A 40.

Q What is your postoffice address? A Pryor Creek, Indian Territory.

Q Are you a citizen of the Cherokee Nation? A No, sir.

Q Do you know the applicants in this case, Elizabeth Duncan, Elizabeth Timmon and Roma Williams? A No, sir, I am not acquainted with only Joe Duncan, who formerly resided in or at Mound City, Kansas, where I lived.

By Mr. Davenport:

Q When did you first know Joe Duncan, Mr. Campbell? A I will explain that by saying that I moved to Lynn County, Kansas, in 1866, with my parents and they bought a farm and we resided there all the time I was at home; that farm was 2 1/2 miles from a farm that Joe Duncan, a colored gentleman, owned and upon which he and his family resided, and I can't give the date nor year I first knew him, but I knew him as long as I can remember.

Q Did he have a family? A Yes, sir, and lived on a 40 acre farm there.

Q Do you know the name of any of his family? A Only by reputation. He had two wives; his first wife was name Millie and that wife died, I don't remember when, but it is a recollection that she died and he married another woman by the name of Lizzie or Elizabeth, I think she was a colored woman that lived in Mound City.

Q You don't know her maiden name? A She was a Spence at that time. I don't know whether that was a maiden name or widowed name; she had a son by that name.

Q How long did Joe Duncan live on this farm after you got acquainted with him? A It was between '65 and '90 when he went away.

Q How far from Mound City, Kansas? A About six miles south.

Q Do you know where he went after he left Mound City? A I only know by the common report in the country around there, which was to the effect that he came to the Nation.

Q Did you ever see him after he moved away? A No, sir.

Q Do you know whether or not he went at the same time his family did? A I couldn't tell.

Q You know him on the farm there from along in the 60's until 1880?

A Yes, sir.

Q Do you know what occupation he followed? A He farmed his farm, and was a stone mason and bricklayer; I knew him in 1883 in Mound City; he worked on some place there; I was clerking in a store then, and he was a mason on one of the buildings then that was being erected.

Q Do you know whether or not he exercised the rights of a citizen of the State of Kansas? A I don't remember; I don't think I ever saw him vote, but he was counted among us fellows as a voter, and we polled him as a republican, but I don't remember seeing him vote.

Q You always considered him as one of them? A Yes, sir, I wouldn't swear that he voted, at the same time I know he did.

By Mr. Bulger:

Q When was it you first got acquainted with this man Duncan? A As I said before I couldn't undertake to state the year: I knowed him as long back as I can remember.

Q Do you know where he was in the fall of 1866 and spring of 1867?

A No, sir, I couldn't say.

Q Do you know that he voted up there? A I didn't see him.

Q Do you know that he ever became a citizen of the State of Kansas, or the United States? A Only by reputation.

Q Do you know where he was born? A No, sir.

Q About when did you say he returned to the Cherokee Nation? A He left the country between 1885 and 1889, I wouldn't undertake to state the year he left; after 1883 that he worked on the buildings.

Q You don't know whether he was in that country in the fall of 1866 or the spring of 1867? A No, sir, I couldn't say.

DOUGLAS WALKER, being first duly sworn, testified as follows:

By the commission:

Q What is your name? A Douglas Walker.

Q How old are you? A 54.

Q What is your postoffice address? A Mound City, Lynn County, Kansas.

Q You are a citizen of the United States, are you? A Yes, sir.

Q Do you know the applicants in this case, Elizabeth Duncan, Elizabeth Finson and Emma Williams, Cherokee freedmen? A I know Elizabeth Duncan.

By Mr. Davaport:

Q How long have you known Elizabeth Duncan, Mr. Walker? A I think it was about 1887 that she married Joe Duncan, '88 or '9.

Q Somewhere in the 60's? A Yes, sir.

Q Where were they living at that time? A Near Mound City, Lynn County, Kansas.

Q Where were you living? A Right adjoining farm with ...

Q How long had you been acquainted with Duncan before he ...
rings with Elizabeth, if at all? A I first became acquainted with Joe Duncan in 1847 or '8, I ain't positive, about that. A was ...
the war of the rebellion.

Q Were you living at Mound city at the time you got acquainted with him? A Yes, sir, near Mound City.

Q Was he a married man when you first got acquainted with him?

A Yes, sir.

Q Do you know what his wife's name was, at that time? A Yes, sir, her name was Millie.

Q Did she afterwards die before he and Elizabeth were married?

A Yes, sir, she died there.

Q What did Joe Duncan follow? A He worked at the stone mason work and carpenter work, and also farmed some.

Q How long did you live on adjoining farm to Joe Duncan, Mr. Walker? A I lived there yet, and he lived there until I think it was in 1867 that he moved away.

Q Did he own a farm there by you? A Yes, sir.

Q What amount of land, if you know? A He first bought 40 acres and later on he bought another forty, so he owned an eighty, school land that was sold there.

Q Did he exercise the right of citizenship there by voting? A Yes, sir, while he was there.

Q You got acquainted with him and knew of his living there as early as 1867 or '8 and continued to live there until the latter part of the 80's? A Yes, sir, he worked at his trade around.

Q Where was his family? A They lived there.

Q How far was that residence from your residence while they lived on the farm? A About two hundred yards.

Q If the family had moved away during that time would you have known it? A Yes, sir.

Q Did you ever see Joe Duncan after he moved away from the farm there? A Never did.

Q Do you know anything about when they who moved them to the train? A I took the family to the train.

Q How far was it from town? A Eight miles from the station to where they lived.

Q You say you hauled the family to town, or used your team? A I used my team and hauled the family to town.

Q Did Joe Duncan come away at the same time the family did? A I didn't take him; I took the family; I don't know whether he went or not.

Q Did they have any children at that time? A Yes, sir.

Q Do you remember the names of any of them? A I remember one, Joel; there were two or three, I declare I have forgotten.

By Mr. Bulger:

Q Do you know where this man Duncan was in 1866 and '77? A I don't know as I do, where he was in 1866, and I ain't sure about 1867; I don't know whether it was 1867 or 1868 that he bought this land.

Q You never knew him until he bought this land? A I knowed of him in Mound City; he blacksmithed there, but I don't know, I didn't get acquainted with him.

Q Do you know whether or not he was in the Cherokee country in 1866 and '77? A I don't know but what he might have been.

Q You say he exercised the rights of citizenship, do you know whether or not he was a citizen of the United States at that time?

A Yes, sir, he voted at our school meetings, was clerk of the district part of the time and voted at our elections at Mound City.

Q That is evidence of citizenship, but that don't establish citizenship, do you know whether he ever became a citizen of the United States? A He claimed to have been born in the Cherokee Nation and he exercised the rights of citizenship with us.

Q You say he left that country in 1869, do you know where he went at that time? A He told us that he was going to move to the Cherokee Nation, south of Coffeyville.

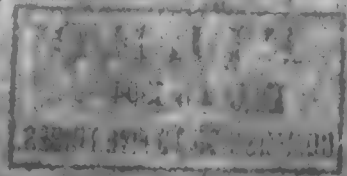
Commission: Continued by agreement until September 21, 1904.

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct copy of his stenographic notes thereof.

H. M. Vance

Subscribed and sworn to before me this 16th day of December, 1904.

Charles H. Stump
Notary Public.



EX-10-100

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FILED
JAN 28 1905
COMMISSION TO FIVE TRIBES

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., SEPTEMBER 21, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Elizabeth Duncan et al., as Cherokee freedmen.

APPEARANCES:

Applicant, Elizabeth Duncan appears in person and by attorneys, Blue & Bulger.
Cherokee nation by its representative, J. S. Davenport.

ELIZABETH DUNCAN, being first duly sworn, testified as follows:

BY THE COMMISSION:

- Q What is your name? A Elizabeth Duncan.
Q How old are you? A 50 years old.
Q What is your post office address? A Coffeyville, Kansas.
Q Are you married? A I am a widow.
Q What was your former husband's name? A Joseph Duncan was my last husband's name.
Q When did you get acquainted with Joseph Duncan? A I couldn't give you the date.
Q About when? A We were married in about 1862 and I was acquainted with him about 6 or 8 months before we were married.
Q Had Joe Duncan been married prior to his marriage to you? A Yes sir.
Q What was his former wife's name? A Millie Oar.
Q Did you know Millie Duncan? A No sir.
Q Where do you live? A I live about 15 miles south and west of Coffeyville in the Territory.
Q In the Cherokee nation? A Yes sir about 5 miles northwest of Wimer.
Q Have you any children? A Yes sir.
Q What are their names? A Roberty Clayton and Harry, Augustus, he is dead, Jewell Cyrus, and Bert Benjamin Franklin.
Q Are these children living? A Harry is dead, I don't know whether Claytie is living or not, he was nearly dead when I left home, he has been sick a year and three months.
Q Who is the father of these children? A Joseph Duncan.
Q You don't know anything about who Joseph Duncan belonged to prior to the rebellion? A I don't know.
Q Were you a slave at the beginning of the war? A Yes sir a short time, I was freed young.
Q Who were you owned by when the war broke out? A I was owned by an American citizen.
Q You don't claim to be a Cherokee citizen yourself? A No sir.
Q Have you any other children living with you? A No sir, I have a little grand-daughter, Elizabeth Tinnen's little girl.
Q Is Elizabeth Tinnen living? A Yes sir.
Q Has she made application for this child? A Yes sir.
Q Have you got any of Millie Duncan's children living with you? A No sir, I have her grand child by blood, 7 years old.
Q What is its name? A Mary Tinnen.
Q Have these children always lived in the Cherokee Nation, these you named? A Yes sir.
Q Never lived in Kansas? A They have lived there some, I lived in Coffeyville awhile me and my family lived there some.
Q Where did you marry Joe Duncan? A Mound City.

- Q Kansas? A Yes sir.
- Q In 1882? A About there somewhere.
- Q When did you go to the Cherokee Nation? A We come down the last time about 15 or 16 years ago.
- Q Your home was in Kansas continuously after you married until you come down here? A I was back and forth some, he owned a home there.
- Q You mean Joe Duncan owned a home in the Cherokee Nation? A Yes sir.
- Q Which is the oldest of these children? A Claytie.
- Q How old is he? A 21.
- ~~Q How long did you stay in the Cherokee Nation?~~
- Q When was he 21? A 25rd of May past.
- Q He was born in the State of Kansas? A I said know they were born here.
- Q All born here? A Jewell was born in Kansas.
- Q How old is Jewell? A 17.
- Q Rest were born in the Cherokee Nation? A Yes sir.

BY MR. BULGER:

- Q You say that you and the children have lived in the Cherokee nation for how long? A For the last 15 or 16 years.
- Q These children are children of Joe Duncan are they? A Yes sir.

BY MR. DAVENPORT:

- Q They were all born while you and Joe Duncan were living together as man and wife? A Yes sir.
- Q Where were you living when you met Joe Duncan? A Pleasanton, Kansas.
- Q Where was Joe living when he and you were married? A on his place I guess.
- Q Where was that place? A Place was in Kansas.
- Q What part of Kansas? A Linn County.
- Q Did you have any post office? A Mound City.
- Q How many of the children were born in Kansas? A Jewell.
- Q How old is he? A 17.
- Q The rest of them were born after you moved to the Cherokee Nation? A No sir not after we moved one is 21, we were backwards and forwards.
- Q You were not backwards and forwards before you were married? A No sir.
- Q Did you come to the Cherokee Nation after you were married, before Jewell was born? A Yes sir.
- Q How long did you stay? A I don't know.
- Q Did you keep house any in the Cherokee Nation between the times you and Joe were married and the time Jewell was born? A Yes sir.
- Q What had you done with your Mound City home during the time you were living in the Cherokee Nation at that time? A Didn't do anything with it.
- Q Didn't you leave your household goods up there? A Some of them.
- Q Did you move any of them to the Cherokee Nation? A We had to have bed clothes.
- Q What did you and Joe do in the Cherokee nation the time you claim you were down there living between the date of your marriage and the birth of Jewell? A Didn't do anything but keep house, work there in the Mission and them places.
- Q How many of the children were born in Kansas before you came back the second time? A I told you they were all born here except Jewell.

- Q How long did you live in Kansas this time you went back before you came back? A I can't recollect.
- Q What year did you break up your home in Howard City, Kansas? A I said I thought it was 15 or 20 years ago.
- Q You had never lived in the Cherokee Nation prior to your marriage to Joe Dunsan? A I don't own anything here, I had been here, I wasn't a citizen, I guess I own a wife's interest.
- Q After you married him? A Yes sir.
- Q Where was Willie living when you and Joe Dunsan was married? A I don't know.
- Q You didn't know her? A No sir.

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H. H. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes heretofore and the proceedings had in the above entitled cause, and that the within and foregoing is a true and correct copy of his stenographic notes thereof.

H. H. Vance

Subscribed and sworn to before me this 28th day of January, 1905.

Charles H. Sawyer
Notary Public.

JAN 28 1905
NOTARY PUBLIC

2 X. B. 871

FILED
DEC 24 1904
COMMISSION TO FIVE TRIBES.

Cherokee Freedman D-871

Department of the Interior?
Commission to the Five Civilized Tribes.
Muskogee, I.T., November 21, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Elizabeth Duncan, et al., as Cherokee Freedmen.

It appears that on October 14, 1904, the applicant, her attorney and the attorneys for the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on the 18th day of November, 1904, and introduce testimony touching the points mentioned in said letter, at which time said case would be taken up for final consideration.

On said above mentioned date this case was continued by consent and on November 21, 1904, the following proceedings were had.

APPEARANCES:

Applicant appears by attorneys, Blue & Bulger;
Cherokee Nation by W. V. Hastings.

ALEX NEVINS being duly sworn, testified as follows;

BY J. J. BULGER:

- Q What is your name? A Alex Nevins
Q Where do you live? A Fort Gibson
Q Did you know a man by the name of Joe Duncan at the commencement of the Rebellion? A Yes, sir
Q Where did you know him? A He used to live up on the Verdigris, just below Gibson Station.
Q Was he the slave of a Cherokee citizen at the commencement of the war? A Yes sir. His master was a white man but his wife was a Cherokee.
Q When was the last time that you saw Joe Duncan? A Well, it was directly after peace was made; along in '66. The reason I say '66; our wagon boys come through Gibson one day and I asked him where he was going, and he said, (I am going down below here to buy me up some cattle, and he says to me one day, Do you know what year this is? and I tell him, "Well, Mr. Marshall, not exactly," and I ask him what year were that, and he tell me I ought to know, and I say "All right enough, but I don't," and so I keep on after him, and he say, it is the year of '66, and well, after he tell me that he went off, and sometime after Christmas, this here young man, Joe Duncan, I saw him.
Q That was after Christmas in '66? A Yes sir, along after Christmas, '66.
Q Where was it you saw Duncan after Christmas? A He was at Fort Gibson. I met this young man and I asked him, "Joe, where are you from?" and he told me from Kansas, and I says,

and I says, where are you reing now, and he says, 'I have just come down for a while,' and I says, 'Aint you a going to move back?' and he said yes he was agoing to move back here, not down here to Gibson, was going to, live up in Cooweescovee.

BY W.W. HASTINGS:

- Q How long after Christmas was this? A I don't know exactly how long.
- Q About spring of the year? A Along about spring, when I saw him I reckon.
- Q Some three or four months after Christmas? A Well, I don't know whether three or four months, but after Christmas
- Q What year is this? A This is 1904.
- Q What year was the Fern-Clifton roll made? A Well, I couldn't tell you till I had my papers here; My recollection is tolerable short.
- Q You won't be certain about these years, will you?
- A No sir, not certain, to tell you the truth.
- Q Been too long ago, has it? A Yes, been too long ago.
- Q And take a man back 35 years he can't be certain?
- A Some men can.
- Q But you can't? A Well, now, I can't.
- Q And you don't propose to swear here now about any certain year?
- A No, I can't.
- Q When this fellow came back he didn't have his wife with him did he? A No sir, didn't have no wife.
- Q Didn't have any children? A No sir, didn't have any children when I saw him.
- Q You could not tell you long after the war? A No, sir, only just by what the wagon boss told me.
- Q And this was some time after that you saw Joe Duncan?
- A After that.
- Q After you saw this wagon boss and he told you the year?
- A Yes, sir.
- Q And you say it was along about Spring? A Well, I wouldn't say it was Spring, but it was after Christmas.
- Q How long did you see Joe Duncan there? A Just saw him that one day.
- Q You never saw him before and you never saw him since?
- A No, sir.
- Q And he lit out straight for Kansas? A I couldn't tell you where he went to; I went my way and I don't know where he went to.
- Q Where did you live before the war? A At John Egan's, at the mouth of Grand River.
- Q How old was Joe Duncan when the war came up? A I couldn't tell you.
- Q Four or five years old? A To tell you the truth I don't know.
- Q You can not swear to that? A No, I wouldn't undertake it.
- Q He might have been four or five years old, younger or older?
- A Yes, sir.
- Q That's your best judgment is it?
- A Yes sir, my best judgment.
- Q You don't know who his mistress was? A No sir, they tell me she was a Cherokee.

- Q You never were at his place before the war? A Oh yes, I have been there before the war.
- Q But you never saw him there before the war? A Oh yes, sir, that's where I seen him before the war.
- Q If you know him before the war why can't you say whether he was older or younger than four years old, or five, before the war? A Why I couldn't tell nothing about his age; I couldn't tell my own age then.
- Q But you could tell whether he was much older or much younger than that? A I could have if I had paid any attention to it, but them times we was slaves and didn't pay no attention. I didn't know my own age then, them times.
- Q Then you say you don't know whether he was older than four or five years? A No sir.
- Q Was he by himself when he came from Kansas? A Yes, sir.
- Q He was walking? A Yes, sir, but he had a team there somewheres.
- Q Did you see the team? A No sir, that was what he said.
- Q He was only eight or ten years of age at that time? A I don't know sir.
- Q Well, don't you know about what his age was? A No, sir, I am going to tell you the truth, I didn't know his age; I did not know my own at that time, or until just a few years ago.
- Q Don't you know about this fellow enough to know whether he was more than eight or ten years of age when he told you he had come all the way from Kansas? A Why, I don't know, he may have been more than eight or ten years of age, but to say his age I don't know that.
- Q You don't know whether he was older or younger?
- A No, sir, I don't know that; I don't know his age, I couldn't tell you that for certain.
- Q You testified in a case for Jack Brady or Jack Thompson, once didn't you? A Yes, sir.
- Q You are that same man? A Yes, sir.
- Q You testified in that case that you were living out there on the bayou, near Jack's father, didn't you?
- A Yes sir, I was living out near there, I remember that time.
- Q And you said that this Jack Brady or Jack Thompson, came all the way from Texas on horseback to visit his father in 1866, didn't you? A No sir, I didn't tell you that.
- Q You deny them, saying you saw him in 1866? A Yes sir, I deny that.
- Q You afe, however, the same man who on May 31, 1902, in this same room, testified in that case? A
- A Yes sir, I was here and testified.
- Q You deny that you testified in that case that you saw Jack Brady in the year 1866? A Well, if I had been able to put every testimony down that I testified I would be able to answer that, but I couldn't put anything down and I don't think you ought to ask me that.
- Q Did you see Jack Brady in 1866? A I am not able to say at this time. I can't tell you right now. I can not testify the same as I could then.
- Q Then you don't know the year 1866? A Not unless I put it down on a book or somewhere.
- Q You didn't put it down in the Joe Duncan case, did you?
- A No sir, but I remember that by our wagon boss.

- Q Well, why don't you remember this Brady by the wagon boss?
 A But he didn't tell me anything about that Brady.
 Q Well, he didn't tell you anything about Duncan either, did he?
 A No sir, but he told me the year, that is what I said, he told me the year.
 Q I will ask you if you did not, on May 31, 1902, in this room, under oath, in the Jack Brady case, C.F.D. 136, make this answer: "Well he came to his father's out on Four Mile Branch in 1866, at his father's on Four Mile Branch" Did you make that answer? A Well, I may have told him that, but I'll never tell you, it has been so long since I ever spoke of that I just can't remember, to tell you the truth, I am here to tell the truth.
 Q I will ask you if, in the same case, you did not say that this man Jack Brady came horseback from Texas? A Yes, he came there horseback when I seen him there that time.
 Q Don't you know that Jack Brady was not born until 1864 according to his own testimony, and that he was, therefore, two years old, or less in 1866? A No sir, I don't know that.
 Q Well you don't know much about 1866 do you? A I know it.
 Q And you are now unwilling to swear about what happened that you can't remember, aren't you? A I am willing to swear about what I know, and what I don't know I don't swear.

BY MR. HASTINGS: For the purpose of impeaching this witness the Cherokee Nation asks that the testimony of Alex Nevins in Cherokee Freedman D-136, as well as the testimony of John F. Wilson and D. H. Fleurney in the same case on the part of the Cherokee Nation, be introduced and made a part of the record in this case. And the Cherokee Nation also asks that the age of Jack Brady which is given as thirty-eight in 1901, be called attention to, so as to show the age of the said Jack Brady in 1866.

BY MR. BULGER:

- Q At the time you saw Joe Duncan at Fort Gibson in 1866, what were you doing? A I was not doing anything particular. I was working around town there. I think I was living down in the bottom then.
 Q Was Joe Duncan employed at anything at that time? A No sir. I don't think he was.
 Q You just happened to meet him? A Yes sir, just happened to meet him.
 Q You had been acquainted with him before the war? A Oh yes.
 Q Was Joe Duncan at that time apparently a man, of age?
 A Before the war?
 Q No, when you saw him in 1866? A Well, he may have been, he looked like he was a man, I couldn't tell you sir.
 Q You know whether or not a fellow is a man? A Well, I guess he was a man, he had a mustache.
 Q Did Joe Duncan leave Fort Gibson soon after you saw him?
 A He told me he was going away, I don't know whether he went or not.
 Q Did you and Joe Duncan work together after, or during the war?
 A No sir.
 Q Were you in the army during the war?
 A Yes sir, I was a teamster.
 Q Were you teaming when you saw Joe Duncan in 1866? A No sir.

BY W. W. HASTINGS:

- Q Did you ever see him after that? A I never did see him.
Q Why you have just answered Mr. Bulger that you knew him before the war, did you know him before the war? A I know him before the war.
Q How old was he before the war? A I don't know sir.
BY COMMISSION:
Q You have some idea, come now, tell us? A I couldn't tell you sir.

BY MR. HASTINGS:

- Q Was he a baby in his mother's arms, or five or six years old or how old was he? A Well, when I saw him at his master's he was a good sized boy and me and him played together, he could have been five or six years old, or might have been ten years old, I didn't know his age, I didn't know my own age.
Q Well, you can't tell about his age, whether he was five or six years old or not? A Well, he might have been five or six years old.
Q And the next time you saw him he was a grown man with a mustache?
A Yes sir.
Q And that was the first time you saw him after the war, when he was a grown man with a mustache? A No sir, I seen him all during the war.
Q Didn't you tell Mr. Bulger you didn't see him during the war?
A No sir, I said we didn't work together.
Q Did you see him during the war? A Yes, sir
Q Where at? A At Fort Scott
Q Was he living there? A He was working there for the Government
Q Working there for the Government? A He was shoeing mules for the Government.
Q You never saw him in the Cherokee Nation after you claim to have met him there in the street? A No sir, I never seen him after that. This is three times I have told you that now.

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Lucy M. Bowman being duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony and proceedings in this case and that the above and foregoing is a full, true and correct transcript of her stenographic notes thereof.

(Signed) Lucy M. Bowman.

Subscribed and sworn to before me this 8th day of December, 1904.

(Signed) Charles M. Sawyer,
Notary Public

Lucy M. Bowman, being duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy, and that same is a true and correct copy of her original transcript of said case.

Lucy M. Bowman

Subscribed and sworn to before me this 16th day of December, 1904.

Charles M. Sawyer
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment
of John Wilson, et al., as Cherokee Freedmen, consolidating the
applications of--

John Wilson, et al.,	Cherokee Freedmen D 790,
George Wilson,	Cherokee Freedmen D 793,
Edward Wilson,	Cherokee Freedmen D 800,
Frances Wilson,	Cherokee Freedmen D 801,
Nicholas Landrum, et al.,	Cherokee Freedmen D 1008,
Robert C. Duncan, et al.,	Cherokee Freedmen D 871,
Elizabeth Tinnon, et al.,	Cherokee Freedmen D 892,
Anna Williams, et al.,	Cherokee Freedmen D 893.

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O R D E R .

It is ordered that a copy of the testimony of Aaron
Whitmire, taken at Muskogee, Indian Territory, on December 23,
1904, in re application of Charlotte French for enrollment as
a Cherokee Freedman, case No. D 1012, be filed with, and made a
part of the record in the consolidated case of John Wilson, et
al., Cherokee Freedmen D 790, et al.

Tamm Birba.

COMMISSIONER

Muskogee, Indian Territory,

this FEB - 7 1905

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-600-

In the matter of the application of Robert Clayton Duncan, et al., for enrollment as Cherokee Freedmen, consolidating the applications of:

Robert Clayton Duncan, et al., Cherokee Freedmen D-871
Elizabeth Tinnon, et al., Cherokee Freedmen D-892
Emma Williams, et al., Cherokee Freedmen D-893

O R D E R

It is ordered that copies of the testimony taken in the matter of the application of Jack Brady, for enrollment as a Cherokee Freedman, C.F.D. 138, at Vinita, Indian Territory, October 15, 1901, and at Muskogee, Indian Territory, February 28, 1902 and May 31, 1902, be filed with and made a part of the record in this case.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tama Birby

Chairman.

Muskogee, Indian Territory.

January 6th, 1903.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

A. J. M. C.
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In the matter of the application for the enrollment of John Wilson, et al., as Cherokee Freedmen, consolidating the applications of:

John Wilson, et al.,	Cherokee Freedmen D 990,
George Wilson,	Cherokee Freedmen D 793,
Edward Wilson,	Cherokee Freedmen D 600,
Frances Wilson,	Cherokee Freedmen D 601,
Nicholas Landrum, et al.,	Cherokee Freedmen D 1008,
Robert C. Duncan, et al.,	Cherokee Freedmen D 871,
Elizabeth Tinnon, et al.,	Cherokee Freedmen D 892,
Rena Williams, et al.,	Cherokee Freedmen D 893.

- 1 -

D E C I S I O N .

The record in this case shows that applications for enrollment as Cherokee freedmen were made to this Commission by John Wilson for himself, his minor sister, Annie Wilson, his minor brother, Jesse Wilson, and his minor child, Amelia Wilson; by George Wilson for himself; by Edward Wilson for himself; by Frances Wilson for herself; by Nicholas Landrum for himself, his wife, Florence Landrum, and his minor children, Bessie E., Clellie, Ora, Viola and Lela May Landrum; by Elizabeth Duncan for herself (by intermarriage), and minor children, Robert C., Harry A., Joel (Jewell) C., and Benjamin F. Duncan; by Elizabeth Tinnon for herself and minor child, Mary Tinnon; and by Rena Williams for herself and minor child, Lee E. Williams. As the application for the enrollment of Elizabeth Duncan as a Cherokee freedman by intermarriage, has been heretofore disposed of, she will not be embraced in this decision. A copy of the testimony of Aaron Whitmire taken at Muskogee, Indian Territory, December 23, 1904, in the case of Charlotte French, Cherokee Freedman D 1019, is filed herewith and made a part of the record herein.

The evidence in this case shows that the applicants, John, Annie, Jesse, George, Edward and Frances Wilson, and Florence Landrum, are the child en of one Millie Wilson, deceased; that the said Millie Wilson, deceased, was the slave of a Cherokee citizen at the commencement of the Rebellion; that she was taken from the Cherokee Nation during said Rebellion, and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc.,

vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation. Said applicants were born since 1866, and possess no rights to enrollment other than as descendants of the said Millie Wilson. The minor applicant, Amelia Wilson is a child of the applicant, John Wilson, was born since 1896, and possesses no rights to enrollment other than as a descendant of her said father.

The evidence further shows that the applicant, Nicholas Landrum was the slave of a Cherokee citizen at the commencement of the rebellion, was taken from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the above mentioned Whitmire decree. The minor applicants, Bessie E., Clellie, Ora, Viola and Lela May Landrum, are children of the applicants, Nicholas and Florence Landrum, and possess no rights to enrollment other than as descendants of their said parents.

The evidence further shows that the applicants, Robert C., Harry A., Joel (Jewell) G. and Benjamin F. Duncan, Elizabeth Tinnon and Emma Williams, are children of one Joseph Duncan, deceased; that the said Joseph Duncan was the slave of a Cherokee citizen at the commencement of the rebellion, that he was taken from the Cherokee Nation during said rebellion and did not return thereto within the time specified in the said Whitmire decree. Said applicants were born since 1866, and possess no rights to enrollment other than as descendants of their said father. The minor applicant, Lee E. Williams, is the child of the applicant, Emma Williams, was born since 1896, and possesses no rights to enrollment other than as a descendant of his said mother. The minor applicant, Mary Tinnon, is the child of the applicant, Elizabeth Tinnon and one Willie Tinnon, deceased, was born since 1896, and possesses no rights to enrollment other than as a descendant of her said parents.

The said Willie Tinnon, deceased, cannot be identified on any Cherokee roll in the possession of the Commission, and after ample opportunity having been afforded, it is not established that the said Willie Tinnon, deceased, possessed any rights as a Cherokee freedman. It is, therefore, considered by this Commission that the adjudication of the right of Mary Tinnon to enrollment as a Cherokee freedman through her said father, Willie Tinnon, deceased, comes within the rulings of the Department in the cases of Eliza Bryant, et al. (I.T.D. 3642-04), Ed Williams (I.T.D. 4230-04), William Rector, (I.T.D. 1468-04), Minnie Duncan, et al., (I.T.D. 1470-04), Samantha Chambers, (I.T.D. 2296-04), Martha Albert, et al., (I.T.D. 4732-04), and Moses Ross, (I.T.D. 6056-04). In addition, attention is called to the fact that the records of the Commission show that only two applications have been filed for the enrollment of applicants by the name of Tinnon; and that said named applicants live in the vicinity in which the said Willie Tinnon, deceased, resided, were listed for enrollment on Cherokee Freedmen cards Nos. D 193 and D 327, respectively, were denied enrollment by this Commission and its decision approved by the Department October 31, 1904.

None of the applicants herein can be identified on the Cherokee authenticated tribal roll of 1860, or the Cherokee census roll of 1896.

In re testimony of Sam Webber : The said Sam Webber is the only witness that testifies that Joseph Duncan returned to the Cherokee Nation, after the rebellion, within the time specified in the Whitacre decree. Little credit can be given his testimony, however, as, on June 26, 1901, in the application of Elizabeth Duncan, et al., for enrollment as Cherokee freedmen, case No. D 871, to the question "Did anyone come with him (Joseph Duncan)?" he answered, "Sim Mosely came with him." On June 27, 1901, in the application of Elizabeth Tinnon, et al., for enrollment as Cherokee freedmen, case No. D 892, to the question "He (Joseph Duncan) did not bring anybody with him?" he answered, "There was another man with him", and it is not until he is called, on July 1, 1901, as a witness in the application of Nicholas Landrum, et al., for enrollment as Cherokee freedmen, case No. D 1008, that he testifies that the applicant, Nicholas Landrum, returned to the Cherokee nation in the fall of '66, with his uncle, Joseph Duncan. The testimony of Aaron Whitacre, taken in the application of Charlotte French, Cherokee Freedman case No. D 1012, shows that Sam Webber was not residing in the Indian Territory between the month of August, 1866, and the spring of 1867.

It is, therefore, the opinion of this Commission that the applications for the enrollment of John Wilson, Annie Wilson, Jesse Wilson, Amelia Wilson, George Wilson, Edward Wilson, Frances Wilson, Nicholas Landrum, Florence Landrum, Bessie B. Landrum, Clellie Landrum, Ora Landrum, Viola Landrum, Lola Kay Landrum, Robert G. Duncan, Harry A. Duncan, Joel (Jewell) C. Duncan, Benjamin F. Duncan, Elizabeth Tinnon, Mary Tinnon, Ema Williams and Lee B. Williams, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 26, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tama Birby
Chairman

(SIGNED) T. B. Needles
Commissioner

(SIGNED) C. B. Breckinridge
Commissioner

Dated at Muskogee, Indian Territory,
this APR 18 1905

Winita Indian Territory, 24 1905

RECORDS OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES

one copy of the testimony in Elizabeth Duncan et al


Sherokee Freedman D-871

Blair and Bullock
Attorney for Applicant.

74. C7W 871

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 12 1901


ACTING CHAIRMAN

COMMISSIONERS:

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, AUG 26 1901, 190:

Received of the Commission to the Five Civilized
Tribes one copy of the testimony in the matter of the
application of Elizabeth Duncan et al for en-
rollment as Cherokee Freedman.

Melville Smith

Cherokee Freedmen # D871

9
F. D. 871

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 190.....

Given under my hand this.....
day of..... A. D. 190.....

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the

..... day of *Sept 17*, 190.....
W. H. Smith
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

.....
on the..... day of..... A. D. 190.....

.....
Subscribed and sworn to before me
this.....

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Notary Public

FILED
SEP 21 1901

[Signature]
ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Elizabeth Duncan
for enrollment as Cherokee citizens:

Case No. D. 871

To Elizabeth Duncan or Mellette & Smith her Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita

Indian Territory, on Oct. 19th 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 20th 1901.

L B Bell
W. W. Hastings
Attorneys for the Cherokee Nation.

FD 871

M

F. D.

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
day of A. D. 190

Given under my hand this
day of A. D. 190

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
day 30 1901, 190

W. L. Smith
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 190

Subscribed and sworn to before me
this

DEPARTMENT OF THE INTERIOR, Public.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 2 1901

[Signature]
ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Elizabeth Duncan
for enrollment as Cherokee Freedmen:
Case No. F. D. 871

To Elizabeth F. Duncan or Mellette & Smith her Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory. Indian Territory, on Oct. 5th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sapt. 30th 1901.

L B Bell

W. W. Hastings

J. D. Davenport
Attorneys for the Cherokee Nation.

and introduce testimony covering the points above mentioned.

Respectfully,

Cherokee Freedman
D-871.

Waukeges, Indian Territory, September 9, 1903.

Elizabeth Duncan,
Coffeyville, Kansas.

Dear Madam:

In the matter of your application for enrollment as a Cherokee Freedman, you are hereby advised that further testimony is required upon the following points:

Date of Joseph Duncan's return to Cherokee Nation, and his place of residence since that time;

Evidence as to whether or not he retained property in said Nation during his absence therefrom;

Date of the return of Millie Duncan to said Nation, and date of her death.

You are further advised that the Commission will be at Vinita, Indian Territory, on Monday, September 21, 1903, for the purpose of hearing additional testimony in Cherokee Freedman doubtful cases, and you are directed to appear before the Commission on that date.

Cherokee Freedmen
D-571.

Muskogee, Indian Territory, September 9, 1903.

Dear Sir,

Attorney for Elizabeth Duncan,
Vinita, Indian Territory,

Dear Sir:

In the matter of the application for the enrollment of Elizabeth Duncan, et al., as Cherokee Freedmen, you are hereby advised that further testimony is required upon the following points:

Date of Joseph Duncan's return to the Cherokee Nation, and his place of residence since that time; evidence as to whether or not he retained property in said Nation during his absence therefrom; date of the return of Millie Duncan (nee Car) to said Nation, and date of her death.

You are further advised that the Commission will be at Vinita, Indian Territory, on Monday, September 21, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and the applicant has been directed to appear before the Commission on that date and introduce testimony covering the points above mentioned.

Respectfully,

Chairman.

Muskogee, Indian Territory, October 7, 1903.

Received of the Commission to the Five Civilized Tribes,
one copy of the testimony in the matter of the application of
Elizabeth Duncan, Cherokee freedman D-871.

Louis J. Brown
Attorney for applicant.

Cherokee Freedman
D-671

COPY

Muskogee, Indian Territory, October 7, 1903.

Elisabeth Duncan,
Geffeyville, Kansas.

Dear Madam:

The Commission is in receipt of your letter of September 26, stating that you have employed Louis T. Brown as your attorney and asking that a copy of the testimony in your application for enrollment as a Cherokee freedman be forwarded to him. Said testimony has accordingly this day been transmitted.

Respectfully,

Jane Dixby

Chairman.

COPY

Cherokee Freedmen
D-871 .

Muskogee, Indian Territory, October 7, 1903.

Louis T. Brown,
Attorney for Elizabeth Duncan,
Vinita, Indian Territory.

Dear Sir :

In accordance with letter of September 26, from Elizabeth Duncan, Cherokee freedmen D-871, there is herewith enclosed a copy of the testimony in her application for enrollment as a Cherokee freedman. There is also enclosed blank receipt for same which you are requested to sign and return to the Commission.

Respectfully,

James Birney

Enc. D-40

Chairman

Cherokee Freedman

D-871.

Muskogee, Indian Territory, July 20, 1904.

Lizzie Duncan,

Viner, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of June 29, stating that if more testimony is still desired in your application for enrollment as a Cherokee freedman you are now ready to furnish said testimony.

In reply you are advised that before a decision can be rendered in your case it will be necessary that further testimony be introduced as to the date of the return of your husband, Joseph Duncan, to the Cherokee Nation after the war, and his residence since that time; also testimony as to the date of the return of Millie Duncan, your husband's former wife, and as to the date of her death; testimony as to the residence of yourself and children, and as to the correct name of the child listed for enrollment as Benjamin F. It appearing that his name is given on the Cherokee tribal rolls as Rict.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Monday, August 15, 1904, and introduce the testimony of such witnesses as you may be able to secure upon the points above indicated.

Respectfully,

Secretary

Commissioner

Cherokee Freedmen

D-871.

Muskogee, Indian Territory, July 20, 1904.

Hastings, Dayanport & Bell,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

In the matter of the application of Lizzie Duncan for the enrollment of herself and children as Cherokee freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to the return of Joseph Duncan, husband of the applicant, to the Cherokee Nation after the war, and his residence since that time; testimony as to the return of Killie Duncan, Joseph Duncan's former wife, and as to the date of her death; also testimony as to the residence of the principal applicant and her children.

The applicant has therefore this day been directed to appear before the Commission at its offices in Muskogee, at nine o'clock A. M. on Monday, August 15, 1904, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that day and introduce such testimony as it may desire in rebuttal of that offered by the applicant.

Respectfully,

Commissioner of the Cherokee Nation

Cherokee Freedmen

D-871.

Muskogee, Indian Territory, July 20, 1904.

Louis T. Brown,
Agent for Lizzie Duncan,
Vinita, Indian Territory.

Dear Sir:

In the matter of the application of Lizzie Duncan for the enrollment of herself and children as Cherokee Freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to the return of Joseph Duncan, husband of the applicant, to the Cherokee Nation after the war, and his residence since that time; testimony as to the return of Millie Duncan, Joseph Duncan's former wife, and as to the date of her death; also testimony as to the residence of the principal applicant and her children.

The principal applicant has therefore this day been directed to appear before this Commission at its offices in Muskogee, at nine o'clock A. M. on Monday, August 15, 1904, and introduce the testimony of such witnesses as she may be able to secure upon the points above indicated.

Respectfully,

Register,

Commissioner in Charge.

Cherokee Freedman
D 871

Waskagee, Indian Territory, August 19, 1904.

Lizzie Duncan,

Wimer, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter, without date, stating that you were unable to appear before the Commission in accordance with its letter to you of recent date, in order to submit further testimony in the matter of your application for enrollment as a Cherokee freedman. You state, however, that you will be able to appear in September and introduce the testimony required.

In reply you are advised that your case has been continued for further hearing before the Commission at nine o'clock A. M. on Wednesday September 21, 1904. You are requested to appear at that time and be prepared to introduce the testimony of such witnesses as you may be able to procure touching the points mentioned in the Commission's former letter to you.

Respectfully,

Commissioner in Charge.

COPY.

Cherokee Freedmen
D-871-892-893

Muskogee, Indian Territory, October 14, 1904.

Blue & Bulger,
Attorneys for Elizabeth Duncan, et al.,
Vinita, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Elizabeth Duncan et al., Elizabeth Tinsan, et al., and Emma Williams, et al., as Cherokee freedmen, you are advised that these cases will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A.M., on Friday, November 18, 1904.

The principal applicants have this day been notified that they will be permitted to appear on that date and introduce such testimony as they may desire in support of said applications.

Respectfully,

Register.

SIGNED, *I. B. Needles*,
Commissioner in Charge.

COPY.

Cherokee Freedmen
D-871

Muskogee, Indian Territory, October 14, 1904

Elizabeth Duncan,
Coffeyville, Kansas.

Dear Madam:

In the matter of your application for the enrollment of yourself and children as Cherokee freedmen, you are advised that this case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Friday November 18, 1904, at which time you will be permitted to appear and introduce such testimony as you may desire in support of said application.

Respectfully,

Register.

WISHED: *T. B. Needles.*
Commissioner in Charge

COPY.

Cherokee Freedmen
D-871

Muskogee, Indian Territory, October 14, 1904

Elizabeth Duncan,
Coffeyville, Kansas.

Dear Madam:

In the matter of your application for the enrollment of yourself and children as Cherokee freedmen, you are advised that this case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Friday November 18, 1904, at which time you will be permitted to appear and introduce such testimony as you may desire in support of said application.

Respectfully,

SIGNED: *T. B. Needles.*
Commissioner in Charge

Register.

COPY

Cherokee Freedmen
D-871

Muskogee, Indian Territory, October 14, 1904.

Elizabeth Duncan,
Coffeyville, Kansas.

Dear Madam:

In the matter of your application for the enrollment of yourself and children as Cherokee Freedmen, you are advised that this case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Friday, November 18, 1904, at which time you will be permitted to appear and introduce such testimony as you may desire in support of said application.

Respectfully,

Register.

SIGNED, *I. B. Needles,*
Commissioner in Charge

COPY.

Muskogee, Indian Territory, December 19, 1904.

Bell, Hastings & Davenport,
Attorney for the Cherokee Nation,
Vinita, Indian Territory,

There are herewith enclosed copies of supplemental testimony taken at Muskogee, Indian Territory, in the following Cherokee Freedman cases:

Cherokee Freedman D-979 and 980, Anna Peterson, et al.

Cherokee Freedman R-5, George Amos Mayfield, et al.

Cherokee Freedman D-321, Elizabeth Dungan, et al.

Cherokee Freedman D-144, Lewis A. Poal.

Cherokee Freedman D-742, David Johnson, et al.

Cherokee Freedman D-376, Joe Lynch, et al.

Cherokee Freedman D-888, Hannah Ross.

Respectfully,

Encl. OG-57.

(SIGNED) *James Dixby*
Chairman.

Cherokee Freedman
D-872.

Haskagee, Indian Territory, December 27, 1904.

Hall, Haskagee & Doverport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There are herewith inclosed copies of supplemental testimony taken at Haskagee, Indian Territory on November 21, 1904, in the following Cherokee Freedman cases:

Cherokee Freedman D-871, Elizabeth Denson, et al.

Cherokee Freedman D-872, Susie Smith, et al.

Cherokee Freedman D-881, Maria Brown, et al.

Respectfully,

Chairman.

Incl. K-6.

Cherokee Freedmen
D-493.

Muskogee, Indian Territory, December 27, 1904.

Blair & Bulger,

Attorneys for Elizabeth Duncan, et al.,

Vinita, Indian Territory.

Gentlemen:

There are herewith inclosed copies of supplemental testimony taken at Muskogee, Indian Territory on November 21, 1904, in the matter of the application for the enrollment of Elizabeth Duncan, et al., as Cherokee freedmen; also blank form of receipt which you are requested to fill out, sign and return to the Commission.

Respectfully,

Chairman.

Incl. K-7.

COMMISSION TO THE TRADES.		
No.	Received	AMOUNT
49883		Book Page
1904	DEC 29 1904	

Bulger, J. J.,
Vinita, I. T.
12/28/04.
Cherokee Na.

Receipt for copy of evidence
in the case of Elizabeth Duncan

FEDERAL BUREAU OF INVESTIGATION

BLUE & BULGER

ATTORNEYS AT LAW

VINITA. - IND. TERR.

Vinita, I.T. 12/28, 1904.

To The Commission to the
Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:-

Yours of the 27th inst. containing a copy of the evidence
in the case of Elizabeth Duncan and others, C.F.D. 893, received.
This will be your receipt for the same.

Blue & Bulger,

By.....

COPY.

Cherokee Freedman
D-871.

Muskogee, Indian Territory, January 24, 1906.

Elizabeth Dunsan,
Coffeyville, Kansas.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1906, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage. A copy of the Commission's decision has this day been forwarded to your agent, Louis T. Brown, Tahlequah, Indian Territory.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED

James Bixby.

Chairman.

Encl. 1-98.

Register.

COPY.

Cherokee Freedman
Billiet et al.

McKagoo, Indian Territory, January 24, 1906.

Louis T. Brown,

Attorney for John Detsen et al.,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1906, rejecting, among others, the applications for the enrollment of John Detsen, Dave Morris, Bell Davis, John L. Bowlin, Bettie Beck, Elizabeth Duncan, Lula Sanders, Maria French, Maggie Varr, and William Hudson as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in these cases, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enc. 1-116.

Register.

(SIGNED)

Tame Bixby
Chairman.

COPY.

Cherokee Freedmen
2-14 et al.

Muskogee, Indian Territory, January 24, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, requesting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Helton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Hayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinke, William S. Hodson, Jane Bean, Albert V. Thomas, Mary Campbell, Caroline Daniels, Malinda Alberty, Dave Ferris, Alexander Chaggett, Ananda Karain, Eliza Martin, John S. Barnes, Ross Davis, Samuel Brown, Edward F. Watson, Jack McConnall, Katie Kralley, George Reed, Sr., Buck LeGans, Bell Thompson, Lewis Scott, Abe Scott, Kendal Lampton, Thomas E. Allen, Lewis Vanderford, John I. Nowlin, Katie Davis, Charles Williams, John J. Faso, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles S. Smith, Susie G. Berry, William Skaggs, Susie Johnson, Alfred P. Hopkins, Missie Vann, Freddie LeGans, Lucy

Chouteau, Alice Durant, Mahaley Ward, Fred J. Thomas, Bettie Beck,
Ellis Warren, Millie Robinson, Mary Weber, Frances Martin, Mary
Riley, Emanuel Taylor, Henry Bykes, Larkin P. Powell, Stephen Dean,
Malinda Vann, Frances Johnson, Annie Foster, Mary E. Rogers,
George Washington Hans, Jane Brown, Samuel L. Young, John Buckner,
Willis Cox, Leonard Bewkes, Malinda Kirtell, Charles Claggett,
Samuel Irven, Mary Ross, Maggie Nave, Emma Nave, Ella Ross,
Eliabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett,
Mattie Smith, Jack Jackson, Lula Sanders, George Hambrig, Lizzie
West, Maria French, Mary Johnson, Maggie Vann, William Adams,
Sarah Rogers, Abraham Ballard, Emma David, John Johnson, James
E. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Mair,
George Adams, Annie Thomas, Lewis McComb, Callie Vann, Lou
Peters, Ida Mair, Robert Brown, Allie Shubert, Emma Jones,
Alice Guster, Katie Mair, Carrie Martin, Margaret Clark, Emily
Lorney, John Groves, Matilda McHair, Bettie Vann, Nelson Lott,
Fannie Rogers, William Washington, Squire Warren Gunn, Fannie
Goldby, Susan Daniels, Anderson Turk, David Lane, Felix McClain,
Henderson Jones, Belle Vann, Levi Shroud, John Myster, Mariah
Thompson, Ellen Sheppard and Lula Holten, as Cherokee citizens
by intermarriage.

The decision, together with the record of proceedings
had in the case, has this day been transmitted to the Secretary
of the Interior for his review and opinion. The copies of the

... ..
... ..
... ..

... ..

SIGNED: *Tam's Baby*
... ..

... ..

C.C.Y.

Charles Freedman
et al.

Muskogee, Indian Territory, January 24, 1906.

The Honorable

The Secretary of the Interior,

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Lewis, Henry Thomas, Ella Vann, Mary Martin, Frances Melton, Sam Detson, Mary Jane Vann, Thomas Lewis, Ella Hayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Hester, Nellie Fisher, John Kinco, William S. Madson, Sam Dean, Albert F. Thomas, Mary Campbell, Caroline Daniels, Halvira Alberty, Javo Harris, Alexander Claggett, Ananda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Edward F. Watson, Jack McComell, Hilda Manley, George Reed, Sr., Matt DeWitt, Jell Thompson, Lewis Sarti, Abe Scott, Kender Hampton, Thomas E. Allen, Lewis Vanderford, John L. Bawlin, Katie Davis, Charles Williams, John J. Ross, John Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles G. Smith, Sallie Gilbert, William Shaggs, Susie Johnson, Alfred P. Hopkins, Kinzie Vann, Iredia Letney, Lucy Chouteau, Alice Jurant, Kalebey Vard, Fred J. Thomas, Bettie Beck, Ellis Warren, Willie Robinson, Mary Webber,

Francis Martin, Mary Ribey, Samuel Taylor, Henry Wilson, Emma E. Powell, Stephen Jawn, Malinda Vann, Frances Johnson, Annie Taylor, Mary N. Rogers, George Washington Lane, James Brown, Samuel L. Young, John Decker, Willis Cox, Leonard Bewles, Malinda Powell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Ross, Emma Ross, Ella Ross, Elizabeth Duncan, Sadie Adams, Margaret Fisher, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hamilton, John West, Marie French, Mary Johnson, Maggie Vann, William Fisher, Sarah Rogers, Abraham Ballard, Laura Smith, John Hamilton, James K. Davis, Isaac Welch, Lawson Jones, George Howell, Emory Blair, George Adams, Annie Wilson, Laura Hamilton, Charles Vann, Lee Adams, Eda Blair, Robert Brown, Miss Chambers, Lena Jones, Anna Fisher, Katie Blair, Corrie Martin, Benjamin Clark, Emily Leach, John Green, Mattie McNair, Bettie Vann, Nelson Lee, Emma Brown, William Washington, Equise Warren Owens, Fannie Wilkey, Susan Smith, Anderson Turk, David Lane, Felix Hamilton, Margaret Jones, Della Vann, Levi Stroud, John Supter, Sarah Hamilton, Ellen Sheppard and Ida Nelson, as Cherokee citizens by intermarriage, including the Commission's decision dated January 10, 1925, rejecting said applications.

Respectfully,

(SIGNED) *Tame Dixie*
Cherokee

Incl. L-5.

Through the
Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen

D-871.

Muskogee, Indian Territory, February 3, 1904.

Blue & Bulger,

Attorneys for Elizabeth Duncan, et al.,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of supplemental testimony taken at Muskogee, Indian Territory, on September 21, 1904, in the matter of the application for the enrollment of Elizabeth Duncan, et al., as Cherokee freedmen, together with a blank form of receipt for same which you are requested to sign and return to the Commission.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Incl. 3-5.

COPY

Cherokee Freedmen

D-871.

Muskogee, Indian Territory, February 3, 1906.

Louis T. Brown,

Attorney for Robert Clayton Duncan, et al.,

Tahlequah, Indian Territory.

Dear Sir:

There are herewith inclosed copies of testimony taken at Muskogee, Indian Territory, on May 31, 1902, and February 24, 1902, and at Vinita, Indian Territory, on October 15, 1901, in the matter of the application for the enrollment of Jack Brady as a Cherokee freedman, together with an order dated January 6, 1905, and signed by Commissioner Bixby, making same a part of the record in the matter of the application for the enrollment of Robert Clayton Duncan, et al., Freedmen D-841, et al.

Respectfully,

Incl. 8-10.

SIGNED

James Bixby

Chairman.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Refer in reply
to the following:
Lead.
7902-1904.

WASHINGTON, March 20, 1906.

The Honorable,
The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1906, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Love, Ella Mayfield, Sallie Rider, Rachel Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kibbe, William S. Hadden, Jane Bean, Albert F. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dora Morris, Alexander Claggett, Anania Martin, Eliza Martin, John E. Barnes, Ball Davis, Samuel Brown, Edward F. Watson, Jack McConnell, Hattie Huxley, George Reed, Sr., Buck Ledman, Ball Thompson, Lewis Scott, Abe Scott, Ender Lupton, Thomas E. Allen, Louis Vanderford, John L. Boulis, Edie Dogis, Charles Williams, John J. Rose, Jane Martin, Louis Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles S. Smith, Susie Gilbert, William Suggs, Beale Johnson, Alfred P. Hopkins, Eliza Vann, Freddie Looney, Lucy Chantam,

Alice Durant, Mahaley Ward, Fred D. Thomas, Nettie Beck, Nellie Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Wiley, Emanuel Taylor, Henry Bykes, Larkin P. Powell, Stepany Dean, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Beckner, Willie Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irvon, Mary Ross, Maggie Hays, Susana Hays, Ella Ross, Elizabeth Duncan, Edie Adams, Georganna Archer, John Claggett, Nettie Smith, Jack Jackson, Lula Sanders, George Kameirig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Haisea, Sarah Rogers, Abraham Ballard, Laura David, John Deakman, James E. Ferry, Isaac Welch, Lawson Logan, George Howell, Henry Nasir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Len Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice Guster, Katie Adair, Harrie Martin, Benjamin Clark, Emily Leoney, John Greves, Matilda McHair, Nettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Weldshy, Susan Daniels, Anderson Turk David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Supter, Mariah Thompson, Ellen Shappard, and Lula Helton.

January 19, 1908, the Commission decided adversely to all the applicants.

The record shows that none of the applicants make claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
5780 SOUTH CAMPUS DRIVE
CHICAGO, ILLINOIS 60637
TEL: 773-936-3700
FAX: 773-936-3701
WWW: WWW.CHEM.UCHICAGO.EDU

1. Name of the donor: _____
2. Address: _____
3. City: _____ State: _____ Zip: _____
4. Telephone: _____
5. E-mail: _____
6. Date: _____
7. Signature: _____
8. Title: _____
9. Organization: _____
10. Amount: _____
11. Purpose: _____
12. Remarks: _____

13. Name of the recipient: _____
14. Address: _____
15. City: _____ State: _____ Zip: _____
16. Telephone: _____
17. E-mail: _____

D. C. 20672-1908
I. T. D. 2904-1908.

(COPY)

W. C. F.
FBI

L. R. S.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

April 17, 1908.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1903, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Detsen, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Ballie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbe, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Halvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John R. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Wade Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kander Lampton, Thomas E. Allen, Lewis Vanderford, John L. Rowlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Petersen, Alex Johnson, Martha Vann,

John Scott, Nancy Ross, Charles O. Smith, Susie Gelbert,
William Kraggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann,
Freddie Leoney, Lucy Ghestean, Alice Durant, Mahaley Ward,
Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson,
Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry
Sykes, Larkin P. Powell, Stepney Dunn, Malinda Vann, Frances
Johnson, Annie Foster, Mary H. Rogers, George Washington Lane,
Jane Brown, Samuel L. Young, John Duckner, Willis Cox, Leonard
Howles, Malinda Murrall, Charles Claggett, Samuel Irvon, Mary
Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan,
Sadie Adams, Georgeann Archer, John Claggett, Mattie Smith,
Jack Jackson, Lula Sanders, George Hanselrig, Lizzie West,
Maria French, Mary Johnson, Maggie Vann, William Hudson,
Sarah Rogers, Abraham Ballard, Laura David, John Duckner,
James B. Perry, Isaac Welch, Lawson Logan, George Howell,
Henry Masir, George Adams, Annie Thomas, Lewis McConnell,
Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers,
Isom Jones, Alice Guster, Katie Adair, Carrie Martin, Benjamin
Clark, Emily Leoney, John Groves, Matilda McHair, Bessie Vann,
Nelson Lett, Fannie Rogers, William Washington, Squire Warren
Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane,
Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John
Sumpter, Mariah Thompson, Alice Sheppard and Lula Melton.

Regarding the matter dated 21, 1957, the Indian
Office requested that your decision be approved. A copy of
the letter is enclosed.

The Department concurs in said recommendation and
your decision is hereby approved.

Sincerely,

I enclose.

(Signed) _____
Acting Secretary

COPY.

Charles Freedman

790
D-722, et al.

Muskogee, Indian Territory, April 18, 1908.

Louis T. Brown,

Attorney for John Wilson, et al.

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 15, 1908, rejecting, among others, the applications for the enrollment of John, Annie, Jesse, Amelia, George, Edward and Frances Wilson, Nicholas, Florence, Bessie E., Clellie, Ora, Viola and Lela Landrum, Robert C., Harry A., Joel (Jewell) C. and Benjamin B. Duncan, as Charles Freedman. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission be informed of the same.

Respectfully,

Enck, Deeds
Register

SIGNED

I. B. Needles,

Chairman.

COPY.

Cherokee Freedmen

D-871.

Muskogee, Indian Territory, April 18, 1906.

Elizabeth Duncan,
Coffeyville, Kansas.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 18, 1906, rejecting, among others, the application for the enrollment of your minor children, Robert C., Harry A., Joel (Jewell) C. and Benjamin V. Duncan, as Cherokee freedmen. There has heretofore been furnished your attorney, Louis T. Brown, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED:

Tams Dixby.
Chairman.

Incl. 3-83
Register

COPY.

Cherokee Freedmen

3-790, et al.

Muskogee, Indian Territory, April 18, 1908.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 18, 1908, rejecting the applications for the enrollment of John, Annie, Jesse, Amelia, George, Edward and Frances Wilson, Robert C. Harry A., Jack (Jewell) C. and Benjamin F. Tuncan, Nicholas, Florence, Regie E., Clattie, Ora, Viola and Lela Landrum, Elizabeth and Mary Tinnon, Emma and Lee E. Williams as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED: *James Dixby*
Chairman

Incl. 3-88

COPY.

Sherstee Freedmen
D-720, et al.

Muskogee, Indian Territory, April 18, 1903.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of John Wilson, et al., including the Commission's decision dated April 18, 1903, rejecting the applications for the enrollment of John, Annie, Jesse, Annie, George, Edward and Frances Wilson, Robert G., Harry A., Jack (Jewell) G. and Benjamin F. Duncan, Nicholas, Florence, Beulah E., Charlie, Ora, Viola and Lola Landrum, Elizabeth and Mary Vinson, Emma and Lee E. Williams as Sherstee freedmen.

Respectfully,

WJW:CO. *Jame Birby*
Chairman.

Incl. 9-00

Through the

Commissioner of Indian Affairs

COPY.

Cherokee Freedmen

D-471.

Muskogee, Indian Territory, April 28, 1905.

Elisabeth Dunham,
Coffeyville, Kansas.

Dear Madam:

You are hereby advised that the Commission's decision dated January 12, 1905, rejecting, among others, your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

SIGNED,

Tama Bixby
Chairman.

COPY.

Cherokee Freedman

D-672.

Muskogee, Indian Territory, April 28, 1905.

Louis T. Brown,

Attorney for Elizabeth Duncan,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 18, 1905, rejecting, among others, the application for the enrollment of Elizabeth Duncan as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

SIGNED: *James Dixby*
Chairman.

COPY.

Cherokee Freedmen
D-14, et al.

Muskogee, Indian Territory, April 16, 1908.

Holl, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1908, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1908.

Respectfully,

SIGNED: *Tamm Bixby*
Chairman.

COPY

Cherokee Freedmen

D-14, et al.

Muskogee, Indian Territory, April 28, 1905.

Commissioner in Charge,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) *Jams Dixey*
Chairman.

Land
31225-1908

(COPY)
DEPARTMENT OF THE INTERIOR ,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON. May 11, 1908

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 18, 1908, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by John Wilson for himself, his minor sister, Annie, his minor brother, Jesse, and his minor child, Amelia Wilson; by George Wilson for himself; by Edward Wilson for himself; by Frances Wilson for herself; by Nicholas Landrum for himself, his wife, Florence, and his minor children, Bessie E., Clellie, Ora, Viola, and Iola May Landrum; by Elizabeth Duncan for her minor children, Robert C., Harry A., Joel (Jewell) C., and Benjamin B. Duncan; by Elizabeth Tinnon for herself and minor child, Mary Tinnon; and by Emma Williams for herself and her minor child, Lee E. Williams.

April 18, 1908, the Commission decided adversely to all the applicants.

The record shows that John, Annie, Jesse, George, Edward and Frances Wilson and Florence Landrum are the children of one Millie Wilson, deceased; that Millie Wilson was the

slave of a Cherokee citizen at the beginning of the war of the rebellion; that she was taken out of the Cherokee Nation during the war, and did not return to the Nation on or before February 11, 1867; that the applicants were born since 1866, and possess no rights to enrollment except as descendants of Millie Wilson; that the minor applicant, Amelia Wilson is a child of the applicant, John Wilson, was born since 1896 and possesses no rights to enrollment except as a descendant of her father. It is further shown that Nicholas Landrum was the slave of a Cherokee citizen at the beginning of the war of the rebellion, was taken from said nation during said war and did not return thereto on or before February 11, 1867. It is further shown that the applicants, Robert C. Harry A., Joel (Jewell) C. and Benjamin F. Duncan, Elizabeth Tinnon and Emma Williams, are children of one Joseph Duncan deceased; that Joseph Duncan was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that he was taken out of the Cherokee Nation during the war and did not return thereto on or before February 11, 1867. The applicants were born since 1866 and possess no rights to enrollment except as descendants of their father. The minor applicant, Lee H. Williams, is the child of Emma Williams, born since 1896 and possesses no rights to enrollment other than as a descendant of his mother. The minor applicant, Mary Tinnon, is the child of the applicant, Elizabeth

Tinmen and one Willie Tinmen, deceased, was born since 1896, and possesses no rights to enrollment except as a descendant of her parents. Willie Tinmen is not identified upon any Cherokee roll and it is not established that he possesses any rights as a Cherokee Freedman.

None of the applicants is identified on the 1880 authenticated Cherokee roll or the Cherokee Census roll of 1896.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee
Acting Commissioner

MM

V.

D. C. 14702-1906

(C O P Y)

G R
R J H

I.T.D. 5426-1906

DEPARTMENT OF THE INTERIOR,
Washington/

LRB

April 21, 1906

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

April 18, 1906, the Commission to the Five Civilized Tribes transmitted the record of proceedings had in the consolidated applications for enrollment as Cherokee freedmen, made by John Wilson for himself, his minor sister, Annie Wilson, his minor brother, Jesse Wilson, and his minor child, Amelia Wilson; by George Wilson for himself; by Edward Wilson for himself; by Frances Wilson for herself; by Nicholas Landrum for himself, his wife, Florence Landrum, and his minor children, Bessie E., Clellie, Ora, Viola and Lela May Landrum; by Elizabeth Duncan for herself (by intermarriage), and minor children, Robert C., Harry A., Joel (Jewell) C., and Benjamin F. Duncan; by Elizabeth Tinnon for herself and minor child, Mary Tinnon; and by Emma Williams for herself and minor child, Lee A. Williams; including the decision of the Commission, dated April 18, 1906, adverse to all the applicants. The application for the enrollment of Elizabeth Duncan as a Cherokee freedman by intermarriage was not embraced in the above decision.

May 11, 1906, the Acting Commissioner of Indian Affairs

reporting thereon, recommended that the decision of the Commission adverse to all the applicants named therein, be affirmed. A copy of Indian Office letter is inclosed.

The Department concurs in the recommendation made, and the decision of the Commission to the Five Civilized Tribes, dated April 18, 1905, denying the applications for the enrollment, as Cherokee freedmen, of John Wilson and the other named applicants therein, is hereby affirmed.

Respectfully,

1 inclosure

(Signed)

W. S. KYLE

REFER IN REPLY TO THE FOLLOWING
**Cherokee Freedman
D 871**

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 4, 1906

Elizabeth Duncan,
Wimer, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 18, 1906, rejecting, among others, your application for the enrollment of your children, Robert C., Harry A., Joel (Jewell) C., and Benjamin F. Duncan, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 21, 1906.

Respectfully,

W. O. Beall

Acting Commissioner

DB

Refer in reply to the following

COPY.

Cherokee Freedmen
D 790 et al.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 4, 1906.

Louis T. Brown,
Attorney for John Wilson, et al.
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 18, 1905, rejecting the application for enrollment as Cherokee freedmen of John Wilson et al., George Wilson, Edward Wilson, Frances Wilson, Robert C. Duncan et al., Elizabeth Finnon et al., Emma Williams, et al., and Nicholas Landrum et al., was affirmed by the secretary of the Interior on April 21, 1906.

For your information a copy of Departmental decision referred to is herewith inclosed.

Respectfully,

SIGNED.

W. O. Deane
Acting Commissioner.

Cherokee Freedmen
D 790 et al.

COPY.

Muskogee, Indian Territory, May 4, 1906

Bell, Hastings and Davenport,
Attorneys for Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 18, 1906, rejecting the applications for the enrollment as Cherokee Freedmen of John Wilson et al., George Wilson, Edward Wilson, Frances Wilson, Robert C. Duncan et al., Elizabeth Tinnen et al., Emma Williams et al., and Nicholas Landrum et al., was affirmed by the Secretary of the Interior on April 21, 1906.

For your information a copy of Departmental decision referred to is herewith inclosed.

Respectfully,

SIGNED.

Amos D. Hall
Acting Commissioner

Incl. B-36

LMB

Cherokee Freedmen
D 871

Muskogee, Indian Territory, August 17, 1906

U. S. Indian Agent,
Union Agency,
Muskogee, Indian Territory.

Dear Sir:

In reply to your letter of August 10-Intruder-Cherokee #357- in further reference to the citizenship status in the Cherokee Nation of Elizabeth Duncan, you are advised that the decision of the Commission to the Five Civilized Tribes rejecting the application of one Elizabeth Duncan for enrollment as a Cherokee freedman by intermarriage, was affirmed by the Department April 17, 1906. There has been no motion filed to reopen or

further advised, however, that the decision rejecting application of said the enrollment of her children, Robert

U. S. Indian Agent--2

C., Harry A., Jewell (Joel) C. and Benjamin F. Duncan, as Cherokee freedmen was affirmed by the Department April 21, 1906, and that a motion for rehearing in the case of said children was filed June 25, 1906, and is pending at the present time.

Respectfully,

L M B

Commissioner

Cherokee Freedmen
R 210 R 759

Muskogee, Indian Territory, August 30, 1906

George Campbell,
Coffeyville, Kansas.

Dear Sir:

This office is in receipt, on June 21, 1906, of motions made by you for a rehearing in the Cherokee freedmen enrollment cases of Mariah Johnson et al., R 210, and Elizabeth Ross, nee Duncan, et al. R 759.

Said motions will receive the proper consideration of this office, and be transmitted to the Department for action thereon, at the earliest practicable date, of which you will be promptly advised.

Respectfully,

L M B

Acting Commissioner

Waukagee, Indian Territory, October 31, 1906

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a motion submitted by George Campbell, attorney at law, Coffeyville, Kansas, (also a Notary Public), made by Elizabeth Ross, formerly Elizabeth Duncan, for a reconsideration of the Cherokee freedman enrollment case of her children, Robert C. Harry A., Joel (Jewell) C., and (Bert) Benjamin F. Duncan. The motion was filed June 23, 1906, and it fails to show service of a copy thereof on the attorney for the Cherokee Nation.

The records of this office show that application was made to the Commission to the Five Civilized Tribes, June 26, 1901, for the enrollment of, among others, said Robert C., Harry A., Joel (Jewell) C. and Benjamin F. Duncan, as Cherokee freedmen, and, after further proceedings had at various times and places, the Commission, April 16, 1905, rejected, among others, the application for the enrollment of said applicants, and its action was affirmed by the Department April 21, 1906 (I.T.D. 5426-1905).

Secretary-2

There is nothing material to the motion herewith transmitted which has not heretofore been considered in connection with the case, and it is respectfully recommended that the motion be denied.

Respectfully,

Through the

Commissioner of Indian Affairs.

L M E

Commissioner

Encl. B-14

COPY

LAND:
35902-1906.
96646-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

November 23, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to departmental letter of April 21, 1906. (I.T.D. 5426-1906), affirming the decision of the Commission to the Five Civilized Tribes, denying the application for the enrollment of John Wilson, et al., as Cherokee freedmen, I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated October 31, 1906, enclosing a motion for reconsideration, filed by Elizabeth Ross (Nee Duncan), on behalf of Robert C., Harry A., Jewell C., and Bert Benjamin Franklin Duncan. These were party applicants in the consolidated case of John Wilson, et al.

The motion does not show that a copy of it was served upon the attorney for the Cherokee Nation, and is more in the nature of a request to be notified as to what facts it will be necessary to establish to enable the names of said children to be placed upon the rolls of the Cherokee freedmen, and that the testimony necessary to establish said facts shall be forthcoming without delay. The motion sets out nothing in the way of evidence

that has not heretofore been considered in connection with the case. The Office respectfully concurs in the recommendation of the Commissioner that the action be denied.

The record in the case is transmitted herewith.

Very respectfully,

G. F. Larrabee,

Acting Commissioner.

WFB:EH

D.C. 53537-1906.

Y.P.

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

I.T.D. 23688-1906

December 4, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

October 31, 1906, you submitted a motion for reconsideration in the matter of the application for the enrollment of Robert C., Harry A., Joel (Jewell) C., and (Bert) Benjamin F. Duncan as Cherokee freedmen.

The motion bears no evidence of service upon the attorney for the Cherokee nation. It presents no question of law or fact not considered in departmental decision of April 21, 1906.

The Indian Office submitting the motion November 23, 1906, concurs in your recommendation that it be denied. A copy of its letter is inclosed.

Finding the motion without merit, it is refused.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Thos Ryan

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 4 to Ind. Of.

REFER IN REPLY TO THE FOLLOWING:
Cherokee
D. 871

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 15, 1906.

Robert O. Duncan,
Wimer, Indian Territory.

Dear Sir:

You are hereby advised that a motion for reconsideration of the Cherokee freedmen enrollment case of yourself and brothers, Harry A., Joel G., and Benjamin F. Duncan, was denied by the Secretary of the Interior, December 4, 1906.

Respectfully,

Commissioner.

LAC

Cherokee

J. D. 571

Muskogee, Indian Territory, December 15, 1906.

George Cambell,

Coffeyville, Kansas.

Dear Sir:

You are hereby advised that the motion for reconsideration of the Cherokee freedmen enrollment case of Robert C. Cuncan, et-al., was denied by the Secretary of the Interior, December 4, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl.C-46

LMG

Cherokee
D. 871

Muskogee, Indian Territory, December 15, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that a motion for reconsideration of the Cherokee freedmen enrollment case of Robert G. Duncan, et al., was denied by the Secretary of the Interior, December 4, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl. C-47
LHC


30891
No 2329

Lizzie Knox
vs
Henry Knox

Copy of Decree

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 6 1901


ACTING CHAIRMAN

12885

24 State of Kansas

25 Linn County, ^{SS}

26 I, W. A. Kernan, Clerk of the District
27 Court in and for said County and State do
28 hereby certify that the above and foregoing
29 is a full true and correct copy of the Order
30 Judgment and decree in the above entitled case
31 as the same now appears on the records of
32 my office in Journal N^o 7 at pages N^{os} 353

and 354.

1
2 I witness my hand and the seal of said
3 Court at my office in Mound City,
4 Linn County, Kansas this 20th day of
5 December 1887.

6 W. A. Kernan
7 Clerk of the District
8 Court, Linn County
9 Kansas.

10 By Geo. W. Lemoine
11 Deputy

Be it remembered that heretofore at the
Regular Fall Term of the District Court of
the 6th Judicial District sitting within and
for the County of Linn and State of Kansas
begun and held at Moundville Kansas on Nov
14th 1887. Present Hon C. O. French Judge
Delwyn Douglas County attorney, William
Gard Sheriff and William A. Korman clerk
of said Court, with others the following pro-
ceedings were had to-wit:

Journal District Court, Linn County Kansas
Fall Term Nov 27th 1887. 8th day

Lizzie Knox)
as) No 2329
Henry Knox)

Now on this day this
cause came on for hearing on the regular
call of the docket upon the petition Exhibits
and Evidence herein and the Court having heard
all the evidence and argument of counsel and
being fully advised in the premises finds that
the defendant has been duly served with notice
of the prayer of the petition herein and the
pendency of this action and notice of the
character of the judgment to be taken herein
if the defendant should fail to appear by ser-
vice of summons by publication in the Pleasanton
observer a newspaper published at Pleasanton
in said Linn County Kansas, and of general
circulation in said County and State for

three consecutive weeks the first publication
thereof being on the 23rd day of September
1887. which said services as by the Court
Examined found to be correct and approved.
The Court further finds that the said defendant
is guilty of abandonment and failure to
provide for the said plaintiff as charged in
the petition of said plaintiff and that the
maiden name of said plaintiff was Lizzie Spence.
It is therefore by the Court considered, ordered
adjudged and decreed that said plaintiff be
and she hereby is divorced from the said defendant
Henry Knox and that the marital obligations
existing between the said plaintiff and said
defendant be and they hereby are wholly dis-
solved and annulled and that said plaintiff be
and she hereby is restored to her maiden name
Lizzie Spence and that said plaintiff pay the
costs of this action taxed at

C. O. French
Judge of the 6th Judicial
District of Lewis County
Kaukas

D.

12885

12885

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 6 1901



ACTING CHAIRMAN

STATE OF KANSAS, } ss.
County of Linn.

In Probate Court of said County.

I, J. M. Sliff, Judge of the Probate
Court within and for the County of Linn, State of Kansas, hereby certify that the
annexed and foregoing is a true and correct copy of a Marriage License
and Certificate of Marriage Thereon as appears in the
records of this office and recorded in Record of
Marriage License No 3. Page 175

In testimony whereof I have hereunto signed my name and affixed the seal
of said Court this 15th day of August 1891 1901

J. M. Sliff, Probate Judge.

MARRIAGE LICENSE.

MOUND CITY LINN COUNTY, KANSAS.

To any Person Authorized to Solemnize Marriages, Greeting:

You are hereby authorized to join in Marriage J. B. Duncan of
Mound City, Ks., aged Thirty Nine years, and
Lizzie Spence of Mound City, Ks. aged
Twenty Eight years, and of this License make due return to my office within
thirty days.

Given under my hand and official seal this 7th
day of December, A. D. 1882

W. A. Trigg

Probate Judge.


State of Kansas, Linn County, ss.

I, Jas. H. Hubbard, do hereby certify that I did on the 7th
day of December, A. D. 1882, at Mound City, Ks.
join in Marriage the above-named J. B. Duncan and
Lizzie Spence.

Jas. H. Hubbard, Minister
of the A. M. E. Church

118011
①

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 26 1901


ACTING CHAIRMAN

CHEROKEE FREEDMEN.

JUN 26, 1901

Date

Post Office

Coffeyville, Kas.

District

Gov

1. Name Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Elizabeth Quincan Age 47

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Doubtful

Names of Children:

1	Robert E. Quincan	Year	Page 151	No.	3740	Dist.	Gov	18
2	Harry A. "	Year	Page 151	No.	3741	Dist.	"	16
3	Jewell E. "	Year	Page 157	No.	3742	Dist.	"	14
4	Benjamin F. "	Year	Page 157	No.	3743	Dist.	"	12

7. Year Page No. Dist. =

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Doubtful

Application made by

no. 1

Stenographer

J. O. Reason

- 2 On K.C. roll as wife Quincan
- 3 " " " " Harry "
- 4 " " " " Jewell "
- 5 " " " " Bert "

Proof of divorce of no. 1 from former husband, and proof of marriage to Geo. Quincan to be supplied.

Represented by Mellette and Smith.

70871

IN RE
THE DEATH OF

Harry A. Duncan

a citizen of the

Cherokee Nation.

Approved July 22 1904

L. R. Bucknizer

Commissioner

JR

FILED
JUL 20 1904

[Faint handwritten notes]

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Harry A. Duncan (Here insert name of deceased) a citizen of the Cherokee Nation, who formerly resided at or near Coffeyville Kas, Ind. Ter., and died on the 23 day of July 1903

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

northern District.

I, Elizabeth Duncan, on oath state that I am 50 years of age and a citizen, by adoption, of the Cherokee Nation; that my post office address is Coffeyville Kas Ind. Ter.; that I am mother of Harry A. Duncan, who was a citizen, by adoption, of the Cherokee Nation; and that said Harry A. Duncan died on the 23 day of July 1903

WITNESSES TO MARK:

(Must be Two Witnesses)

Palmer Gosmore

Elizabeth X Duncan mark

Subscribed and sworn to before me this 21 day of July, 1904

Samuel Torman

Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

District.

I, on oath state that I am years of age, and a citizen, by of the Nation; that my post office address is Ind. Ter.; that I was personally acquainted with who was a citizen by of the Nation; and that said died on the day of

WITNESSES TO MARK:

(Must be Two Witnesses)

Jennie A. Moore

Subscribed and sworn to before me this day of 190

MAR 22 1962

[Handwritten signature]
ACTING DIRECTOR

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,
from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Elizabeth Duncan,
Coffeyville, Kans.,
Cherokee-F-D-871.
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Department of the Interior

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by inter-marriage of the Cherokee Nation, consolidating the applications of:

- | | |
|---------------------|--------------------------|
| William Davis, | Cherokee Freedmen D-114, |
| Henry Thomas, | Cherokee Freedmen D-116, |
| Edna Vann, | Cherokee Freedmen D-117, |
| Mary Matham, | Cherokee Freedmen D-118, |
| Frances Melton, | Cherokee Freedmen D-119, |
| John Dotson, | Cherokee Freedmen D-120, |
| Mary Jane Vann, | Cherokee Freedmen D-121, |
| Thomas Dowd, | Cherokee Freedmen D-122, |
| Elie Maynard, | Cherokee Freedmen D-123, |
| Belle Rider, | Cherokee Freedmen D-124, |
| Reuben Campbell, | Cherokee Freedmen D-125, |
| Van Jackson Luther, | Cherokee Freedmen D-126, |
| Ossie Miletton, | Cherokee Freedmen D-127, |
| Mary Martin, | Cherokee Freedmen D-128, |
| Nelle Fields, | Cherokee Freedmen D-129, |
| John Khamer, | Cherokee Freedmen D-130, |
| William S. Wadde, | Cherokee Freedmen D-131, |
| Jane Bean, | Cherokee Freedmen D-132, |
| Albert T. Thomas, | Cherokee Freedmen D-133, |
| Mary Campbell, | Cherokee Freedmen D-134, |
| Caroline Daniels, | Cherokee Freedmen D-135, |
| Melvin Abbey, | Cherokee Freedmen D-136, |
| Dave Morris, | Cherokee Freedmen D-137, |
| Alexander Chappett, | Cherokee Freedmen D-138, |
| Amasa Martin, | Cherokee Freedmen D-139, |
| Eliza Martin, | Cherokee Freedmen D-140, |
| John B. Davies, | Cherokee Freedmen D-141, |
| Bell Davis, | Cherokee Freedmen D-142, |
| Samuel Howd, | Cherokee Freedmen D-143, |
| Howard F. Watson, | Cherokee Freedmen D-144, |
| Jack McCosmen, | Cherokee Freedmen D-145, |
| Madee Manley, | Cherokee Freedmen D-146, |

George Reed, Sr.,
 Buck Ledman,
 Bell Thompson,
 Lewis Scott,
 Abe Scott,
 Kinder Lewis,
 Thomas R. Allen,
 Lewis Vanderford,
 John L. Bowlin,
 Katie Davis,
 Charles Williams,
 John J. Rose,
 Jane Martin,
 Lena Peterson,
 Alex Johnson,
 Martha Vann,
 John Scott,
 Nancy Rose,
 Charles C. Smith,
 Susie Colbert,
 William Skaggs,
 Susie Johnson,
 Alfred F. Hopkins,
 Kinzie Vann,
 Freddie Lowmy,
 Lucy Chontea,
 Alice Darant,
 Mahaley Ward,
 Fred D. Thomas,
 Bettie Beck,
 Ellis Warren,
 Millie Robinson,
 Mary Webber,
 Frances Martin,
 Mary Riley,
 Emanuel Taylor,
 Harry Sykes,
 Jackin F. Rowell,
 Stegney Dawa,
 Malinda Vann,
 Frances Johnson,
 Annie Foster,
 Mary H. Rogers,
 George Washington Lane,
 Jane Brown,

Cherokee Freedmen D-383,
 Cherokee Freedmen D-406,
 Cherokee Freedmen D-411,
 Cherokee Freedmen D-420,
 Cherokee Freedmen D-421,
 Cherokee Freedmen D-422,
 Cherokee Freedmen D-424,
 Cherokee Freedmen D-426,
 Cherokee Freedmen D-444,
 Cherokee Freedmen D-455,
 Cherokee Freedmen D-473,
 Cherokee Freedmen D-474,
 Cherokee Freedmen D-486,
 Cherokee Freedmen D-489,
 Cherokee Freedmen D-482,
 Cherokee Freedmen D-494,
 Cherokee Freedmen D-501,
 Cherokee Freedmen D-512,
 Cherokee Freedmen D-514,
 Cherokee Freedmen D-520,
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 Cherokee Freedmen D-550,
 Cherokee Freedmen D-552,
 Cherokee Freedmen D-572,
 Cherokee Freedmen D-584,
 Cherokee Freedmen D-588,
 Cherokee Freedmen D-608,
 Cherokee Freedmen D-650,
 Cherokee Freedmen D-665,
 Cherokee Freedmen D-667,
 Cherokee Freedmen D-674,
 Cherokee Freedmen D-681,
 Cherokee Freedmen D-683,
 Cherokee Freedmen D-696,
 Cherokee Freedmen D-722,
 Cherokee Freedmen D-724,
 Cherokee Freedmen D-725,
 Cherokee Freedmen D-726,
 Cherokee Freedmen D-728,
 Cherokee Freedmen D-741,
 Cherokee Freedmen D-742,
 Cherokee Freedmen D-749,
 Cherokee Freedmen D-752,
 Cherokee Freedmen D-753,
 Cherokee Freedmen D-760,

Samuel Le-Young,
 John Buckner,
 Willie Coymbsen,
 Lehard Bowlin,
 Malinda Marshall,
 Charles Claggott,
 Samuel Irvan,
 Mary Ross,
 Maggie Nave,
 Neoma Nave,
 Ella Ross,
 Elizabeth Duncan,
 Sadie Adams,
 George Ann Archer,
 John Claggott,
 Hattie Smith,
 Jack Jackson,
 Lula Sanders,
 George Hazellrig,
 Lizzie West,
 Marie French,
 Mary Johnson,
 Maggie Vann,
 William Hudson,
 Sarah Rogers,
 Abraham Ballard,
 Laura David,
 John Deokman,
 James B. Perry,
 Isaac Walsh,
 James Logan,
 George Howell,
 Henry Mast,
 George Adams,
 Annie Thomas,
 Louis McConnell,
 Collie Vane,
 Lon Peters,
 Ida Adair,
 Robert Brown,
 Allie Chambers,
 Isaac Jones,
 Aline Gaunter,
 Katie Adair,
 Carrie Martin,

Cherokee Freedmen D-764,
 Cherokee Freedmen D-780,
 Cherokee Freedmen D-781,
 Cherokee Freedmen D-787,
 Cherokee Freedmen D-788,
 Cherokee Freedmen D-789,
 Cherokee Freedmen D-797,
 Cherokee Freedmen D-808,
 Cherokee Freedmen D-816,
 Cherokee Freedmen D-840,
 Cherokee Freedmen D-821,
 Cherokee Freedmen D-880,
 Cherokee Freedmen D-901,
 Cherokee Freedmen D-912,
 Cherokee Freedmen D-922,
 Cherokee Freedmen D-926,
 Cherokee Freedmen D-973,
 Cherokee Freedmen D-987,
 Cherokee Freedmen D-990,
 Cherokee Freedmen D-1010,
 Cherokee Freedmen D-1039,
 Cherokee Freedmen D-1062,
 Cherokee Freedmen D-1067,
 Cherokee Freedmen D-1078,
 Cherokee Freedmen D-1082,
 Cherokee Freedmen D-1085,
 Cherokee Freedmen D-1105,
 Cherokee Freedmen R-40,
 Cherokee Freedmen R-45,
 Cherokee Freedmen R-48,
 Cherokee Freedmen R-50,
 Cherokee Freedmen R-72,
 Cherokee Freedmen R-82,
 Cherokee Freedmen R-83,
 Cherokee Freedmen R-94,
 Cherokee Freedmen R-96,
 Cherokee Freedmen R-99,
 Cherokee Freedmen R-100,
 Cherokee Freedmen R-102,
 Cherokee Freedmen R-104,
 Cherokee Freedmen R-105,
 Cherokee Freedmen R-106,
 Cherokee Freedmen R-107,

Benjamin Clapp
 Emily Looney
 John George
 Matilda McNeill
 Bettie Vann
 Nelson Lott
 Fannie Rogers
 William Washington
 Squire Warren Owens
 Fannie Goldsby
 Susan Daniels
 Anderson Turk
 David Lane
 Yew McChain
 Henderson Jones
 Belle Vann
 Levi Stroud
 John Sumpster
 Mariah Thompson
 Ellen Sheppard
 Lula Melton

Cherokee Freedmen R-108
 Cherokee Freedmen R-110
 Cherokee Freedmen R-112
 Cherokee Freedmen R-117
 Cherokee Freedmen R-122
 Cherokee Freedmen R-125
 Cherokee Freedmen R-129
 Cherokee Freedmen R-131
 Cherokee Freedmen R-143
 Cherokee Freedmen R-144
 Cherokee Freedmen R-146
 Cherokee Freedmen R-148
 Cherokee Freedmen R-155
 Cherokee Freedmen R-165
 Cherokee Freedmen R-173
 Cherokee Freedmen R-181
 Cherokee Freedmen R-196
 Cherokee Freedmen R-211
 Cherokee Freedmen R-220
 Cherokee Freedmen R-227
 Cherokee Freedmen R-247

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by inter-marriage, were made to this Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Ella Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Rider for his wife, Sallie Rider; by Double Campbell for himself; by Van Jackson Luther for himself; by Tobe Middleton for his wife, Susan Middleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nellie Fields; by John Kimbo for himself; by William M. Mudden for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Fayton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Burns for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard E. Watson; by Jack McConnell for himself; by Maude Munley for herself; by George Reed, Sr. for himself; by Buck Ledman for himself; by Bell Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Kadder Lawson for himself; by Thomas E. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Mariah Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Eunie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Miley for his wife, Mary Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Steppay Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr. for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Irwin for himself; by David Ross for his wife, Mary Ross; by George E. Nave for his wife, Maggie Nave; by Lewis Armstead Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lela Sanders; by Mary Hamalig for her husband, George Hamalig; by George West for his wife, Lizzie West; by Maria Franch for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Balford for himself; by King David for his wife, Laura David; by John Deekman for himself; by James E. Pong for himself; by Leon Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Alice Thomas; by Lela McConnell for herself; by Josh Vann for his wife, Oattie Vann; by Lou Peters for himself; by Robert Admitt for his wife, Lela Admitt; by Joe Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Leon Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Cassie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Matty George for her husband, John Groves; by Butler McNeil for his wife, Matilda McNeil; by Bettie Vann for herself; by Nelson Lott for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Lane for himself; by Kate McChain for herself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpster for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as members of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1890 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stat., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard E. Watson, Jack McConnell, Maude Mauley, George Ross, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles O. Smith, Susie Gilbert, William Shiggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Duran, Mahaley Ward, Fred D. Thomas, Bettie Beck, Elia Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepaney Doss, Melinda Vann, Eliza Johnson, Annie Foister, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Iryen, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria Vreuch, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura Davis, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Maair, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Alvie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Maria Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

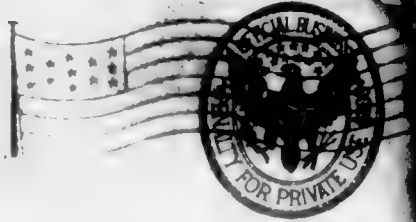
- [SIGNED] TAMS BIXBY, Chairman.
- [SIGNED] T. B. NEEDLES, Commissioner.
- [SIGNED] C. R. BRECKINRIDGE, Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

Department of the Interior.

Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

MUSKOGEE
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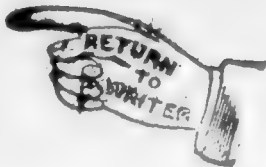
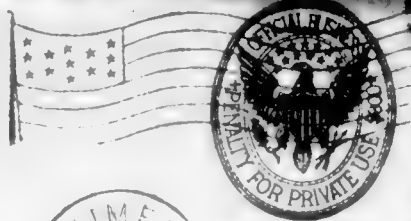
~~Rebecca Duncan~~
~~Wimer, Indian Territory.~~

11877

Department of the Interior.

Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

MUSKOGEE
MAY 5
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1906
IND. T.



~~Elizabeth Duncan,~~
~~Wimer, Indian Territory.~~

11877

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Mrs. Elizabeth Duncan,
Coffeyville, Kansas.

5800

RETURN TO WRITER.

Chem. Fr. R. 760

Trans from C. Fr. D. 872

Chem. Fr. R. 760

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 28, 1891.

In the matter of the application of Jefferson Ross for the enrollment of himself and four children as Cherokee Freedmen.

Appearances:

Mellette & Smith, attorneys for applicants;
W. V. Hastings, of counsel for Cherokee Nation.

Jefferson Ross, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Jefferson Ross.
Q How old are you? A About 55.
Q What is your post office address? A Hudson.
Q What district do you live in? A Coowassecoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Did you ever apply to be enrolled as a Freedman of any other Nation or tribe? A No, sir.
Q Who do you want to enroll besides yourself? A There is the children on there (hands Commissioner paper.)
Q Are you married? A I have been married, my wife is dead.
Q You just want to enroll yourself and children? A Six children.
Q Your oldest child will have to apply for himself, he appears to be 26 years of age; five children; what is the next oldest? A
A Wilson.
Q How old is he? A 20.
Q What is the next, Emma, 17? A Yes, sir.
Q The next one Elizabeth? A Yes, sir.
Q How old is she? A 17, they are twins.
Q The next one is Gertie? A Yes, sir.
Q She 15? A Yes, sir.
Q The next one Frank? A Yes, sir.
Q She is 10? A Yes, sir, it is a boy.
Q These children all living at this time? A Yes, sir.
Q Living with you? A No, they are living down there with their brother, you see I am staying with my sister now.
Q Your name on the roll of 1880? A No, sir.
Mr. Smith: Were you a slave before the war? A Yes, sir.
Q Who did you belong to? A Mrs. Lewis Ross.
Q Was he a citizen of the Cherokee Nation? A Yes, sir.
Q Who are your witnesses? A Uncle Nelson Murrell.
Q Who else? A Samuel Webber, and Harry Still.
Commissioner: Who is Vanzella Ross you have a paper for? A That is my daughter Elizabeth's child.
Q You want to apply for her? A Yes, sir.
Q She appears to be about one year old? A Yes, sir, and now Eli has got a girl.
Q Well Eli will attend to his own girl.
Mr. Smith: Where did Lewis Ross live before the war? A He lived up on Ofsand River the last place he lived.
Q Where was that, in the Cherokee Nation? A Yes, sir, in the Cherokee Nation.
Q Where were you living when the war commenced? A When the war commenced I was in Fort Gibson.
Q What became of you during the war? A I went north.
Q Who did you go with? A My father and mother and the rest of the children.
Q Where did you go to? A I went to a little town by the name of Central City.
Q When did you return to the Cherokee Nation after the war? A I returned to the Cherokee Nation in '69.

Jefferson Ross - 2.

Q Where did you come to, what part of the Cherokee Nation? A I came down on Snow Creek to Uncle Nelson Murrells.

Q How long did you stay at Nelson Murrells? A Stayed there with her, I don't remember, I think I was there five or six months.

Q Then where did you go? A Went from there to where my sister lived on Lightning Creek.

Q In the Cherokee Nation? A Yes, sir.

Q How long did you stay there? A With her, well I stayed down around there I think some four or five years, five or six years, some- think like that, I will not be certain.

Q When did you marry? A I can't tell you, just when I married, it was probably eight or nine or ten years after the war.

Q Where did you marry? A I married at a little town by the name of Mapleton.

Q Mapleton? A Mapleton, Kansas.

Q Where were you living at the time you married? A Well, I really was living no place, I was going round from place to place, I had run off from my folks.

Q Then where did you bring your wife back to the Cherokee Nation?

A I brought her back, I don't know what what year we came back here in.

Q Was your wife a citizen? A Yes, sir.

Q A citizen of the Cherokee Nation? A Yes, sir.

Q Who did she belong to before the war? A She belonged to Mr. Murrell.

Q Was Murrell a Cherokee? A He wasn't, but his wife was.

Q What was her name? A Miss Amanda, she was Mr. Lewis Ross youngest daughter.

Q Amanda Murrell? A Yes, sir.

Q Where was Amanda Murrell and her husband living when the war commenced? A Living down to Park Hill.

Q Where did you first know your wife, did you know her before the war? A Yes, sir.

Q Do you know what became of her during the war? A Yes, sir, my uncle taken her north, Uncle Mose.

Q Do you know of your own personal knowledge when she came back to the Cherokee Nation? A Yes, sir, when she came back I brought her back.

Q I am talking about your wife now? A That is what I am talking about.

Q When did you bring her back? A I don't know just exactly what year it was I brought her back, she had been back before then, I don't know who she came back with, but then she went back again.

Q The first time she came, do you know of your own personal knowledge anything about that? A I don't know just when she came back, no, sir.

Q Had you seen her after the war until you went to Mapleton the time you and she were married? A No, sir.

Q When did your wife die? A She has been dead about 8 years.

Q Where did she die? A Lots see, I think she died, I think she died in Lynn County, she went up there to the doctor, Dr. Brickey was waiting on her, or Britten.

Q Where were you living at that time? A I was living here in the Territory on Panther Creek then.

Q Did you have any farm then? A No, sir, my wife's health was so poor I didn't take up any place, it so discouraged me I didn't have anybody to keep house and I didn't take up any place.

Commissioner: That is your first wife that died 8 years ago?

A Yes, sir.

Q The mother of those children? A Yes, sir.

Q When did you bring her back in? A I disremember the year, I

Jefferson Ross - 3.

don't know any dates, some eight or ten years after the war.

Q These children whose names you have given and for whom you apply they are living in the Cherokee Nation? A Yes, sir, they are in here now.

Q Have you one other son, a child older than Eli? A That is all, Eli.

Q How did you come back with you at the time you came back in '66?

A An old gentleman by the name of Monday, he came with me.

Q And your family? A No, sir, nobody but myself.

Q Didn't have any brothers or sisters come back with you?

A No, sir, none of them came back at the time.

Commissioner: Is Elizabeth married? A Yes, Elizabeth is married; the one that has got the baby.

Q Well, she will have to apply for herself; any of the other of these children married? A No, sir.

Mr. Smith: Is Elizabeth here? A No, sir.

Mr. Hastings: You came back with a man named Monday did you? A Yes, sir.

Q He a colored man? A Yes, sir.

Q You came to Uncle Nelson Murrell's first? A Yes, sir.

Q Where was Uncle Nelson living at that time? A Right there where he is living now.

Q At what time in the year was it? A If my memory serves me right it was along in July.

Q And you stayed with him then some five or six months? A Yes, sir.

Q Is that till about the Christmas following? A Oh I stayed till the next spring.

Q Uncle Nelson have a house at that time? A A little log house.

Q Who lived neighbor to Uncle Nelson at that time? A I don't just remember anybody living right around close to him there; it was a wild country.

Q He lived on Snow Creek? A Yes, sir, was right there on Snow Creek.

Q Had you known Uncle Nelson before that time? A Yes, sir.

Q Did you know him in Kansas? A No, sir.

Q You don't know how long he had been back down there at that time, don't know whether he had come a year before that or not? A No, sir, I don't know.

Q Did he have in a small crop of corn when you came down there?

A No, he just had a small garden spot, just a few acres.

Q Had a truck patch in? A Just kind of a truck patch, yes.

Q You think that was in the month of July? A I am satisfied it was sometime in July.

Q You hadn't married up to this time? A No, sir.

Q You came from there on down to Lightning Creek? A From Uncle Nelson's, yes sir.

Q Who did you live with on Lightning Creek? A My sister.

Q What was her name? A Katie Thornton.

Q Where was she living on Lightning Creek? A She was living right near the Madden place, she owned that place at the time.

Q About what month was it you came down there? A I can't tell you just what month it was that I came down to Lightning Creek, it was along in the spring, first part of the spring like.

Q March or April? A Might have been, I can't remember.

Q Where did you see Harry Still first after the war? A Where I first saw him, I saw him ~~at my sister's~~ there at my sister's.

Q On Lightning Creek? A Yes, sir, I think that is the first place I saw him.

Q Where did you see Samuel Webber? A After I came here I saw him on Big Creek.

Q At Nelson Murrell's? A No, sir.

Jefferson Ross - 4.

Q That was after you had been to Nelson Murrell's? A Yes, sir, after I had been to Nelson Murrell's and coming across coming down on Lightning Creek I run onto him.

Q Well Jeff, how long did you stay on Lightning Creek? A Why I stayed there some two or three years I guess.

Q What did you do down there? A I helped my sister run the place, helped my brother.

Q What was his name? A Henry Thornton.

Q How far did Harry Still live from your brother? A I don't know just the exact distance just how far he did live, just close neighbors.

Q A mile or two? A Might have been a mile or two or such matter.

Q Where was Lewis Whitwire living? A He wasn't living very much farther, probably same distance as Harry Still; it has been so long I can't remember.

Q Where did you go from Lightning Creek? A When I left Lightning Creek I went up to Big Creek.

Q At whose place? A Went up there and helped move Henry Thornton up there.

Q Where did you go from Big Creek? A I went from Big Creek back up to where they were making ties on the Verdigris.

Q In what year was that? A I don't know just what year it was in.

Q How long after the war? A It was quite a little bit after the war.

Q For what railroad were they making ties? A I think they were making ties for the Santa Fe railroad.

Q Where did you go from the Verdigris? A I said I went back to Kansas.

Q What place in Kansas? A Went to Mapleton.

Q About what year was that? A I don't know what year it was in.

Q How long after the war? A It was quite a little bit after the war.

Q Two or three years? A Probably it was two or three years after the war; it was a great deal longer than that; I wasn't paying any attention to what you said.

Q About how long after the war? A I don't know just how long it was after the war.

Q Much as three or four years? A It might have been, I can't remember how long.

Q You had stayed in here you said with Nelson Murrell and on Lightning Creek and were afterwards making ties on the Verdigris before you went back? A Yes, sir, that is the places I said.

Q You hadn't been married up to that time? A No, sir.

Q You married in Mapleton? A Yes, sir.

Q There is where you met your wife first after the war? A Yes, sir.

Q How long had you seen her up there before you married her?

A Probably six or eight months before we married and maybe longer than that.

Q What were you doing up there? A Just around through the country.

Q What is your oldest child's name? A Eli.

Q Where was Eli born? A Up in Kansas.

Q Where was Frank born? A The baby, well Frank was born on Panther Creek.

Q At whose place? A Near Jesse Riley.

Q Who lived a neighbor there besides Jesse Riley? A Jesse Riley and Andrew, there was quite a number of them in there, I can't call all of them.

Q Where was Gertie born? A Gertie was born in the same place.

Q In the Cherokee Nation? A Yes, sir.

Q Where was Elisabeth born? A Elisabeth, these twins were born on the Big Creek.

Q At whose house? A Katie Thornton's.

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Q Where had you come from? A Panther Creek.

Q When did you settle on Panther Creek? A I didn't really settle there, I was there along friends that was with me before the war.

Q When did you settle here? A I never did settle here, but have property here, I taken up a claim but I never could get enough ahead to do anything at all after my wife got afflicted more than to send her back and forward.

Q It didn't prevent you from having children? A No, sir, you hardly ever see anything that can prevent that.

Q Your wife was in bad health all this time and yet you had children down to ten years ago? A Yes, sir.

Q She died in Kansas? A Yes, sir, she died in Mapleton.

Q You applied to the Kern-Glifton Court for enrollment? A Yes, sir.

Q Why? A Because I was situated so I really couldn't, I was busy and kept putting it off until it was too late to go.

Q You were busy at that time; where were you at that time?

A Where was I at the time the Kern-Glifton Court? I was on Big Creek.

Q Keep house up there? A No, sir, I told you I never kept house.

Q Where is Eli now? A He is down on the river close to his Uncle Mose.

Q How long has he been there? A I don't know exactly how long he has been there.

Q Answer me about how long? A I can't tell you because Eli never has lived with me much since he has been big enough to take care of himself, he has been living around through the country, until he married.

Q Where did he marry? A Married his wife in Kansas.

Q What town? A I don't know what town.

Q Was she state raised? A Yes sir, I think she was a girl from Missouri.

Q Is his wife dead? A Yes, sir.

Q Where did she die? A I don't know, I can't tell you.

Q Where is Wilson? A He is down there too, on the river.

Q He went down there with his brother, did he? A Yes, sir.

Q Well, his brother never went down there till after his wife died?

A No, he was living there before his wife dead.

Q Can't you tell me now when his wife dead? A No, sir, I can't tell.

Q About how long ago? A Oh his wife has been dead I guess some eight or nine years; no, must be six or seven years.

Q But you don't know where she died? A No, sir, I don't know exactly where she died.

Q He never told you? A I don't remember at all.

Q How long has this Wilson been away from you and down there with him? A Wilson has been away from me probably three years, probably more than that.

Q And they left you when you were living in Kansas and went down to his brother? A Wilson did; no sir, he didn't do no such thing.

Q Where were you living? A When Wilson left me I was living on Panther Creek, right there is where I was.

Q Were you keeping house up there? A No, sir, staying right with Jesse Riley.

Q What kin is he to you? A He married my niece.

Q You were not keeping house at all? A No, sir.

Q You never have kept house in the Indian Territory? A No, sir, or anywhere else.

Q Did you draw money on the Wallace roll? A I did not.

Q Did you apply? A Yes, sir, I enrolled at the Wallace enrollment, that is when the first disbursement came around.

Q They didn't enroll you, did they? A They pretended to enroll me, but if they enrolled me then I wouldn't be here now, it wouldn't be

Jefferson Ross - 6.

me, but if they enrolled me they scratched my name off, it couldn't be found; I went down to the payment; I have got witnesses on the ground to prove they were my witnesses at the Wallace Court.

Q That wasn't the Cherokees that scratched you off that time, it was Mr. Wallace? A I don't know who scratched me off, it didn't show up.

Q At whose house did you say Frank was born? A Jesse Riley's.

Q Whose house was Gertie born? A Same place.

Q He was living with your niece at that time? A Yes, sir.

Q Well you didn't go before the Kern-Clifton Commission at all?

A No, sir.

Commissioner: Are these children you say all born in Kansas?

A No, sir.

Q Where was Wilson born? A Wilson was born down here on Panther Creek.

Q Cherokee Nation? A Yes, sir.

Q Where was Emma born, and Lizzie? A The twins was born on Big Creek.

Q Cherokee Nation? A Yes, sir.

Q Where was Gertie born? A She was born on Panther Creek.

Q Where was Frank born? A He was born the same place.

Q All born in the Cherokee Nation? A Yes, sir, all except one, Eli; the oldest was born in Kansas.

Q Didn't have any house of your own? A No, sir, never had any house of my own.

Q These children were born at different people's houses?

A Yes, sir, relatives of mine.

Mr. Hastings: Nelson Murrell had three or four acres in a patch at that time? A Probably that much, I don't know exactly.

The 1860 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Kern-Clifton roll examined and the applicants not identified thereon.

The Wallace roll examined and the applicants not identified thereon.

Nelson Murrell, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: State your name? A Nelson Murrell.

Q How old are you? A About 77.

Q Where do you live? A Cooweescoowee.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Do you know this applicant, Jefferson Ross? A Yes, sir.

Q How long have you known him? A Ever since a child.

Q Was he a born slave? A Yes, sir.

Q Who did he belong to? A Lewis Ross.

Q Lewis Ross a Cherokee Indian? A Yes, sir.

Q Was he a citizen of the Cherokee Nation? A Yes, sir.

Q Where was he living at the time the war commenced? A By on Grand River at Saline.

Q Cherokee Nation? A Yes, sir.

Q Where was Jefferson living? A Living the same place.

Q Do you know whether Jefferson was out of the Nation during the war or not? A Yes, sir.

Q Where was he? A Kansas.

Q Do you know when he returned to the Cherokee Nation after the war? A Well, I know about the time he returned, when I found him at home, when he come to my house, when I came in '66, July of '66, I found him there at my house.

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Q How long did he stay at your house? A Stayed at my house that winter, fall and winter and until the next spring.

Q Then where did he go? A He went from there to look for his sister, over there somewhere east of me.

Q When did you see him again next after he left your house? A I saw him off and on at different times, I don't know exactly what time, but I saw him after that, I know any time of the year I saw him off and on at one place and another.

Q You remember where you saw him first after he left your house?

A The next place I saw him was over on Big Creek to remember.

Q About how long after he left your place? A I think that was about three years.

Q Was the place where you saw him up on Big Creek in the Cherokee Nation? A Yes, sir.

Q Do you remember where you next saw him after that? A The next time I saw him I saw him up on Goose Neck Bend.

Q About how long was that after you saw him on Big Creek.

Q It was maybe as high as eight or ten years.

Q Do you know when he married? A No, sir.

Q Do you remember seeing him after he was married? A Well I saw him after he was married here and going around through the country.

Q You didn't know his wife before she was married? A Yes, I knowed his wife before he was married.

Q Was she a slave? A Yes, sir.

Q Who did she belong to? A George Murrell.

Q Was George Murrell a Cherokee? A No, he was a white man, but his wife was a Cherokee.

Q Who was his wife before she married? A Amanda Ross.

Q She a citizen of the Cherokee Nation? A Yes, sir.

Q Was he a citizen of the Cherokee Nation by adoption? A Yes, sir.

Q Well, you know what became of Jefferson's wife during the war, whether she went out or not? A Out in Kansas.

Q That girl, she belonged to who? A George Murrell.

Q I saw, do you know where she was during the war? A She was in Kansas.

Q Do you know when she came back? A No, sir, she never came back at all.

Q Now who is that you are talking about? A Jefferson's wife here, she died up in Kansas.

Q Well, did you ever see her back in the Cherokee Nation at all?

A Never did.

Q Well, when did Jefferson marry her? A I suppose he married up in Kansas, I wasn't there, he was up beyond me up in Kansas.

Q Now where was she living before the war commenced? A She was living at Park Hill.

Q Where is Park Hill? A About five miles from Tahlequah.

Q Well, how far is Tahlequah from the place where you lived at the time Jefferson came back to your house? A My house since the war you meant.

Q I mean the house that Jefferson came to in July of '66? A It is about eighty miles I suppose from Park Hill, and maybe more.

Q You don't know whether that woman came back or not do you?

A Yes, I know Jefferson came back.

Q You know Jefferson came back? A Yes, I know he came back.

Q I am talking about Jeff's wife?

Commissioner: What was her name? A I can't think of her name now, but I know her.

Mr. Smith: She belonged to George Murrell's wife? A Yes, sir.

Q She lived down to Park Hill before the war? A Yes, sir.

Q That is some eighty miles below you? A Yes, sir, I lived there before the war.

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Q: You haven't lived there since the war? A: No, sir.

Q: Do you know of your own personal knowledge whether that woman ever went down there or not? A: No, sir, I don't.

Mr. Hastings: This man has never kept house in the Cherokee Nation since the war, has he Nelson? A: Well, he has been about his sister since the war.

Q: What was his sister's name? A: Named Katie Thornton.

Q: Where was that? A: On Big Creek.

Q: When was that? A: That has been along about the time Joel Mayo was elected, ten or 12 years ago.

Q: Now Nelson, he and his wife, after he married her, never came down here in the Nation and kept house in a separate house? A: Not to my knowing, sir.

Q: You know his children? A: No, sir.

Q: Did you ever see them? A: I have seen them once or twice, that is, some of them, I never have seen them all.

Q: You lived near his wife before the war? A: Lived right in the same yard.

Q: And you have heard him say who she was? A: Yes, sir.

Q: And you knew her well? A: Yes, sir.

Q: Do you know what time after the war he married her in Kansas?

A: No, sir.

Q: Know whether he was married when he came to your house the first time? A: I don't think he was, I can't be positive.

Q: Now have you missed him, or rather, ~~missed him~~ after you saw him on Big Creek two or three years afterwards, then how long was it before you saw him again? A: Four or five years before I saw him again.

Q: That was after his wife was dead? A: Yes, sir.

Q: Did he bring any children down there with him then? A: Brought a little boy.

Q: Down at that time? A: Yes, sir.

Q: Know how many more children he has, whether that is all or not?

A: I don't know but what that is all.

Q: Never heard of him having more than one? A: No, sir.

Q: Has he been married more than once? A: Not to my knowing.

Q: Was that woman that he married, married before, to your knowledge?

A: No, sir, never married before, right young girl.

Q: This man has never kept a separate house here anywhere, so far as you know? A: Not so far as I know.

Q: Has he ever made a crop here? A: Well, not to my knowing, not that I know of.

Q: What is his occupation? A: His occupation was working around his sister, when I always went over there, there is where he was staying.

Q: When did you ever see him at his sister's? A: I have seen him time and again.

Q: How many years ago was that? A: That has been along fifteen or twenty years ago, I saw him time and again over there.

Q: Before he was married? A: Yes, sir.

Q: I mean since his marriage? A: He has been going around ever since he has been married, since his wife is dead, I saw him first around and about over there.

Commissioner: He is talking about the time before his wife died, when he married, tell us what he did? A: That is what I am telling you.

Mr. Hastings: Did you ever see him there while his wife was living?

A: No, sir.

Q: Never saw his wife in the Cherokee Nation after the war? A: No, she went to Baxter Springs in '82.

Q: What time did you come back here in '85? A: I came back here in '85, and then I came back here July, '86.

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- Q Has you a house built then? A I built a house in February, '64.
Q Up on Snow Creek? A February of '65.
Q On Snow Creek? A On Snow Creek.
A Now let us know where that was; the same place you are living?
A Yes, sir.
Q In February, '65? A Yes, sir.
Q You are not mistaken about that? A No, sir, I am not mistaken.
Q Did you clear out that little field that year? A Yes, sir.
Q In '65? A In '65.
Q Put in any corn in '65? A I had Ben Alberty to break me a patch and plant some corn in '65.
Q You had a crop there in '66 then? A Yes, sir, made a small crop in '66, a little crop.
Q When did you move your family down? A I moved my family down in the fall of '66.
Q Then your family wasn't down there when he came to your place?
A No, sir, my family wasn't down there, I was making hay down there when he came.
Q That is where you are living now? A Yes, sir, that is where I am living now.
Q Is that house standing there yet? A No, sir, gone, rotted along ago; I have got me a good fine house now.

Sam Webber, being duly sworn by Commissioner Needles, testified as follows:

- Mr. Smith: What is your name? A Sam Webber.
Q How old are you? A About 58.
Q Where do you live? A I live two miles west of here.
Q How long have you lived in the Cherokee Nation? A I was born and raised here, and after the war, came back.
Q Do you know this applicant, Jefferson Ross? A Yes, sir.
Q Were you acquainted with him before the war? A No, sir, I wasn't acquainted with him before the war.
Q When did you first know him? A I got acquainted with him just after the war.
Q Where? A Here in the Nation.
Q About what part of the Nation? A He came to my house there on Big Creek in the Nation.
Q What time? A Along in the spring of '67.
Q Do you know of your own knowledge when he first came back to the Territory after the war? A No, sir, I don't know of my own knowledge.
Q Do you know where he was living at the time he came to your house?
A He has been working on Snow Creek he claimed and he was on his way hunting his sister.
Q Did you ever see him after you saw him that time? A I put him on the trail down to his sister's and I never saw him for quite a little bit from that; when I saw him he was there on Lightning Creek.
Q Did you see him then after that at his sister's? A I saw him then often and on for near about two years I guess.
Q Where? A There at Lightning Creek.
Q In the Cherokee Nation? A Yes, sir.
Q Was he a married or a single man at that time? A He was a single man to my knowledge.
Q Do you know how long after the war before he married? A No, sir, I can't tell that.
Q Do you know where he is living now? A No, sir, I don't.
Mr. Needles: You saw him around here for about two years?
A Yes, sir.
Q Then how long was it till you saw him again, Sam? A I remember after that of seeing him on Big Creek again.
Q How long after that? A Must have been six months or a year

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after that I met him again there.

- Q You know where he was married? A No, sir, I can't tell you.
- Q Was he married at that time? A If he was I didn't know it.
- Q Did you know his wife? A No, sir, I don't know his wife.
- Q Did you ever see his wife? A Not to know it was here.
- Q Has this man ever kept house to your knowing? A When I saw him he was to his sister's.
- Q What was her name? A Katie Thornton.
- Q You never saw him in a separate, independent house, keeping house with his family? A No, sir, never did.
- Q What is his occupation? A I can't tell you.
- Q Did you ever see him making a crop anywhere? A I never saw him farming, I have seen him working for people around there.
- Q He never made a crop to your knowledge? A No, sir, not to my knowledge.
- Q Has he got any special occupation like a carpenter? A Not as I know of.
- Q What is Katie Thornton's husband named? A Henry Thornton.
- Q Was that her husband at that time? A Yes, sir.
- Q With whom does this man stay now? A I don't know that.
- Q You never saw him anywhere except around to his sister's? A That is all I have noticed him.
- Q Did he have any children when you saw him? A I never seen them if he did.
- Q You don't know where his family were, if he had any? A No, sir.

Jefferson Rose, recalled, testified as follows:

Mr. Hastings: When you were first at Sam Webber's house, where was he living? A Living on Big Creek.

- Q What was his wife named? A I don't know what his wife was named.
- Q Was he living in a house there? A Yes, sir.
- Q Have a field? A No, he didn't have but a small patch, didn't any of them have any fields then, hadn't made any then.
- Q Who was he living near to at that time? A Well, I can't tell you, I don't know of any person living right handy to him then.
- Q He and his wife were living together at that time? A Yes, sir.
- Q You don't remember her name? A No, sir.
- Q He had a wife? A He had a wife.
- Q Did he have any children at that time? A I don't remember, he might have had children, and he might not, I can't remember, to be honest with you.
- Q You know he and his wife were keeping house there, staying to themselves? A Yes, they were there in a house to themselves.
- Q That is when you first came there? A Yes, sir.

Sam Webber, recalled, testified as follows:

Mr. Hastings: Mr. Webber, when were you first married? A When I first married, I married just a short while after the war, I don't remember just what year.

- Q Before you came down here? A After I came down here.
- Q Well, about how many years after you came down here? A It wasn't a year I guess after I came here.
- Q Well, you know what time of the year you were married? A I was married along in the winter.
- Q Was that the same winter you came, or the winter of '67? A It was along about, it thowed in '67, it was after Christmas.
- Q You mean in January of '67 or the last part of '67? A It was along after Christmas, I don't remember the date.
- Q What was your wife named? A My wife at that time was Linda Martin.

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Q When did you commence keeping house? I went in my house when I first came there.

Q You and your wife keeping house separate and apart? A I was keeping house when I was single, I built me a little house, and was living in there.

Q What time in the year did you and your wife move into that house?

A We moved right in the house after we were married.

Q And you don't remember when that was, that time of the year?

A Along after Christmas; I was already in the house.

Harry Still, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: State your name? A Harry Still.

Q What is your age? A 54.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Do you know this applicant, Jefferson Ross? A Yes, sir.

Q Did you know him before the war? A No, sir.

Q When did you first become acquainted with him? A '67

Q Where did you meet him in '67? A Henry Thornton's.

Q Where is Henry Thornton's? A On Lightning Creek.

Q In the Cherokee Nation? A Yes, sir.

Q You remember what time in the year of '67 it was? A It was in the summer of '67.

Q How long did you see him then from the time you first saw him there in the summer of '67? A I saw him around there a while, I don't know exactly how long he did stay there, till he went away from there.

Q Did you know his wife? A No, sir.

Q Do you know where Jefferson lives now? A The last time I saw him, that is when he was here, was up here to Katie's; I don't know where he lives now.

Q Katie Thornton's? A Yes, sir.

Q Katie Thornton related to him? A Sister.

Q Where does she live? A Close to Albert Morris on Big Creek.

Q That in the Cherokee Nation? A Yes, sir.

Commissioner: You say you don't know his wife? A No, sir.

Q YOU NEVER knew his wife then? A No, sir.

Mr. Hastings: Where did you see him first in the summer of '67? A I saw him at Henry Thornton's.

Q What was his wife's name at that time? A I don't know; this man's?

Q No, Henry's wife? A Katie.

Q Where was Henry and Katie living? A On the Bill Madden place.

Q How long did they continue to reside there? A They lived there several years before they left there.

Q They moved from there up where they are living now? A Yes, sir.

Q About how long did you see this applicant around there that summer? A I don't know exactly how long I did see him there, sometimes he would be gone.

Q A month? A Yes, a heap more than that.

Q Your best judgment? A I don't know, sometimes I would go off to my father's and come back and sometimes I wouldn't see him there.

Q Through what period, length of time, did you see him around Henry and Katie Thornton? A I would not swear positively, I have seen him several times at different times; I never saw his wife.

Q You don't know where he married her? A No, sir.

Q You don't know where his wife died? A No, sir.

Q You don't know where his children were born? A No, sir.

Q Did you ever see any of his children? A No, sir.

Q You know how many he has got? A No, sir.

Jefferson Ross - 12.

Q Where has this man been the last four or five years?

A I don't know sir.

Q You know he has never resided down here? A No, I don't, I don't know that.

Q You never saw him keeping house separate here by to himself?

A No, I never saw him keeping separate house.

Q He has got no special occupation? A I don't know.

Q How long after you missed him down here till you saw him again?

A It was several years.

Q About how many, fifteen or twenty? A Yes, sir, I guess it was about that.

Q You saw him down about the Wallace Court I reckon? A No, I saw him once before that.

Jefferson Ross, recalled, testified as follows:

Mr. Smith: Jefferson, who married you, do you know? A A preacher named Young.

Q Where? A At Mapleton; lived out about three miles from town.

Q You know whether that preacher is living or not? A No, sir, he was a white man.

Q Did you get a license? A Yes, sir.

Q Who did you get a license from? A He gave me a license himself.

Q The preacher did? A Yes, sir.

Q Didn't you have to go around to the Clerk's office or something like that? A No, sir, I just went to his house and he called his son out of the field for a witness and we were married right there at the house, in the country, three miles from town; that is all there was to it, than.

Q You don't know whether he is living or not? A No, sir, I don't.

Q Have you got any proof now Jefferson, as to when your wife came back here to the Nation after the war before you brought her back after you married her? A Yes, sir, I am pretty well satisfied, I don't know as I have got it on the ground, but I can get it.

Commissioner: Jefferson Ross applies for the enrollment of himself and four children, to-wit, Wilson, Emma, Bertie and Frank. He avers that he was married to one —

Q What was your wife's given name? A Sylvia.

— Sylvia Murrell, and she belonged to Amanda Murrell; he married in the State of Kansas about ten years after the Civil war. She is now deceased. He avers that he was a slave himself, and was taken out of the Cherokee Nation during the war; that he belonged to one Lewis Ross, and that he returned in '66. He avers that his children were all born in the Cherokee Nation. He makes no proof of marriage, and no satisfactory proof as to the time of the return of his wife, that is, as to whether she returned within the time prescribed by the treaty requiring Cherokee Freedmen to return. Reference is made to his testimony, and the said Jefferson Ross will now be listed for enrollment as a Cherokee Freedman upon a doubtful card. It will be necessary for him to file satisfactory proof as to the birth of his children, their names not appearing upon any of the rolls of the Cherokee Nation. Upon examining the rolls of the Cherokee Nation now in the possession of the Commission, the name of the applicant is not found upon any of the rolls, and he has never been acknowledged by the

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Exhibit A - 11.

Shawnee Nation, Kansas.

James V. Potts, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes hereof.

Richard J. Jones

Sworn to and subscribed before me this 20th of July, 1901.



Notary Public.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
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[Signature]
ACTING COMMISSIONER

AVPTEA BVBEK C

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 25, 1901.

In the matter of the application of Jefferson Ross et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

Mellette & Smith, attorneys for the applicants;
W. W. Hastings, of counsel for Cherokee Nation.

W. A. JOHNSON, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A W. A. Johnson.

Q What is your age? A 71 years.

Q What is your postoffice address? A Garnett, Anderson county, Kansas.

Q How long has Garnett been your postoffice? A Since the spring of 1858.

Q Did you know a colored man by the name of Jefferson Ross, or Looniam? A I knew a colored man by the name of Jefferson Looniam, whose name I understood was Jefferson Ross.

Q Did you know his father? A Yes, sir.

Q What was his father's name? A Jacob.

Q Do you remember his mother? A Yes, sir.

Q What was her name? A I don't remember her name, I only know her by his name.

Q Well, when did you first learn to know this Jefferson? A About the latter part of '65 or early part of '66.

Q Well, how long did you know him? A I have known him ever since.

Q Do you know where he lives now? A Why I know where he lived until two years ago.

Q Where? A He lived in and near Garnett; he lived for a few years in the vicinity of Garnett but for thirty years or thereabout he lived in the city of Garnett.

Q Was he ever married? A He had a family.

Q Do you know whether his wife is living or not? A His wife died a few years ago.

Q Has he some children? A Yes, sir.

Q You remember any of them? A Yes, sir.

Q And do you remember any of their names I mean? A Yes, I remember the name of one of his children, Eli is his oldest child, a son.

Q Well, how did you understand his name to be Ross, how did you come into possession of that knowledge? A I learned it from both him and his father, they consulted me in relation to their rights under the treaty with the Cherokee Indians and the old gentleman --

Mr. Smith: If the court please, I want to enter an objection because that evidently was a confidential communication which the witness has no right to communicate without the consent of the applicant?

Commissioner: The objection will be noted and the witness will please answer.

A In speaking of the matter, the old gentleman said that Looniam wasn't the name of his master, and he supposed he would have to go by the name of his former master, which was Lewis Ross, and that, he said, was his Indian name, Lewis Ross, and Jeff has also talked to me about it a number of times.

Q Did Jeff ever own any property up there? A Yes, sir, he owned a little house and lot there in Garnett.

Q Do you know where he was married? A No, sir, I don't, I just don't remember just when or where he was married.

Q Do you know where his children are now? A His children are there in and about Garnett; the oldest son I suppose is down here now, I saw him night before last, he told me he was coming down.

Q Where did you see him? A Saw him at Garnett.

Q What was his name, Eli? A Eli.

Q Well, has Jefferson Ross a brother by the name of Mose? A Yes, sir.

Q When did you first become acquainted with Mose? A About the same time I did with Jeff.

Q How long did you continue to know him? A Till about ten years ago.

Q He left there about ten years ago? A Yes, sir.

Q Well you knew him from the time you first became acquainted with him up to the time he left? A Yes, sir.

Q I will ask you if Jeff or Mose or either ever exercised any rights of citizenship in the way of voting? A Why yes, both of them have.

Q You knew them both well? A Yes, sir, and I generally know how they voted.

Q I will ask you again, in order to get it in this record, I believed you stated in another case that you held a number of official positions, including County Attorney and Judge? A Yes, sir.

Q And was active in politics in your county? A I have been engaged in politics some in my time; more for others than for myself though.

Mr. Smith: Mr. Johnson, I believe you said you were a practicing attorney? A Yes, sir, have been since '53.

Q I understood you to state that this man about whom you are testifying in this citizenship application had consulted you? A Yes, sir, consulted me about their rights under the treaty with the Indians.

Q He consulted you in your capacity as a lawyer, I presume? A Well, he knew I was a lawyer and he consulted me, but he never retained me in any way as his attorney.

Q Well he consulted you with reference to the question of his citizenship in the Cherokee Nation, as I understand you? A No, I wouldn't say that.

Q Well, what did he consult you with reference to? A It was with reference to how he would obtain his rights.

Q Where? A To whatever lands or money that would be coming to the Freedmen under the treaty between the United States and the Indian Tribe.

Q Well, wasn't that with reference to the question of citizenship in the Cherokee Nation? A Well, I suppose you might say it was, but it was never stated to me what his citizenship was or how he would obtain it.

Q Well you understood that it was as a Freedman under the treaty; now Mr. Johnson are you in the habit of furnishing information as to what people say to you when they consult you professionally? A No, I am not in the habit of doing it, although I do do it sometimes.

Q And you did do it in this instance? A Well, I wasn't retained as his attorney at all; you see these colored men very often come to me to talk about their rights, and did their matters generally.

Q Well, if they talked to you about their rights, as you term it, and with a view to getting your opinion as a lawyer, don't you regard that as a confidential communication? A No, sir, not unless I am retained.

Q You don't? A As an attorney.

Q Did or did you not regard a communication which is made during a relation which is leading up to the employment of counsel as a confidential communication?

Mr. Hastings: The representatives of the Cherokee Nation object to the question, because it is a question of professional ethics and is not involved in this case and does not tend to show whether or not Jefferson Ross complied or did not

comply with the terms of the Treaty of 1866, and is therefore irrelevant and immaterial.

Commissioner: The objection will be noted; answer the question.

A Is a person comes to me and makes a statement, a confidential statement to me, with a view to obtaining my opinion upon a question, of course I would consider it a confidential matter, but if in a general way a person comes to me and makes a statement of a matter, not with a view of obtaining my professional opinion, I don't call it confidentially made at all.

Q Wasn't Ross talking to you with a view to obtaining your opinion?

Q I didn't so regard it.

Q Didn't you give him any opinion? A No, sir, not at that time.

Q Well, when did you give him one? A I told him later than I had examined the Treaty and I thought the freedmen had ought to, if they expected to obtain any rights under it, ought to have returned to the Territory and resumed their citizenship.

Q Then you did give him an opinion? A Later.

Q Did he pay you for it? A No, sir, never did.

Q Do you think the fact that he didn't pay you makes any difference? A No, sir, it wouldn't make any difference.

Q You are a practicing attorney and live in Garnett, Kansas?

A Yes, sir.

Q What are you doing here testifying in this case?

Mr. Hastings: If the court please, it does seem to me that that makes no difference; if they are kind enough to come by subpoenas from the Cherokee Nation it is of no consequence to the applicant or their representatives.

Commissioner: That is a question that has been asked and answered here a number of times. The character of the witness is high of course, but it goes to show. This witness does not come on any higher plane as so far as a witness is concerned than any other witness; it goes to show the animus.

Q Why have you appeared here in Vinita to testify in this case then, I will say? A I came here in obedience to a subpoena that was served on me.

Q What kind of a subpoena?

Mr. Hastings: I wish insist upon the objection, that it makes no difference if this man has come here in answer to a subpoena.

Commissioner: Let the objection be noted and the question will be answered.

A (Exhibiting paper to Commissioner)

Q How long did you say you had been practicing law? A Since '53, except while I was in the army and while I was on the bench.

Q Now as a lawyer did you think you had to obey that subpoena?

Mr. Hastings: I object to that; you are not asking for opinions, you are asking for facts.

Commissioner: The objection will be sustained in that; the witness can appear here of his own volition if he desires.

Q Did you come voluntarily? A Yes, sir, I did, because I was subpoenaed.

WILLIAM RAY, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A William Ray.

Q What is your age Mr. Ray? A 63 past.

Q What is your postoffice? A Garnett, Kansas.

Q How long has that been your postoffice? A About 25 or 4 years.

Q I will ask you if you know a colored man up there by the name of Jeff Ross or Jeff Loonien? A Yes, sir, Loonien, I was acquainted

with one named Loonian.

Q Did you know his father's name? A Yes, sir.

Q What was his father's name? A Jacob Loonian is what I was told it was.

Q What was his mother's name? A Lydie, I think.

Q Do you know whether he had a brother by the name of Moses, this Jeff? A There was one there called Moses what they called his brother.

Q When did you first learn to know this family, including the father and Jeff and Mose? A Oh I knew them along about '68, got acquainted with them.

Q Now how long did you continue to know Jeff? A Oh I knowed him off and on for all the time, would know him now if I saw him.

Q Did he have a family? A Yes, sir.

Q What was his wife's name? A Sylvie if I am not mistaken.

Q Did you ever hear Jeff go by any other name than Loonian? A Nothing more than just what I have hearn, I didn't know any other name.

Q Well, what did you hear? A I heard that he used to belong to Ross is all.

Q Did Jeff have any children? A Yes, sir.

Q Do you remember any of them? A Yes, I know some of their names.

Q Well, name some of them? A Why Eli I think was the oldest one, what I heard.

Q Well, do you remember another one? A Another one was Billy they called him.

Q Know any of the rest of them? A The next oldest one I think was named Mary, she died.

Q The next one? A Josie.

Q How long did Jeff live up there? A I just can't say.

Q Well, when did he leave there? A Why he has been coming off down here off and on for several years, and told me he was hunting up his claim down here, but it has been at least two years or more since he has been away for good, two or three years, he has been coming off quite a while and I was talking with him while he was gone and he said he was hunting up a claim down here, about that.

Q Well now where was his wife and children all this time? A Why they were there, his old woman was until she died.

Q About how long ago has she been dead? A I don't know, some two years or three, I didn't keep the date exactly.

Q She died at Barnett? A Yes, sir.

Q Did you know Jeff well? A Yes, sir.

Q Did you know Mose well? A Mose I didn't know him as good as I did Jeff.

Q About when did Mose leave there? A I just can't say, Mose left there early, him and his father got into a fuss and he run off from home when he was quite a chunk of a boy, I recollect that I know his father sent him after a horse and he didn't come back.

Q About how many years ago was that? A I can't say, it has been a long time, he was a good chunk of a boy and he has been back and forwards ever since, but he run off then and was gone quite a while.

Q How long did he live there after you kher him? A Oh I have been knowing him off and of

Q How long did he live there before he did this running off, since you knew him? A Must have been five or six years.

Q That was before he first run off? A Yes, sir.

Q Now when did he leave there the last time, so far as you know?

A Oh 8 or 10 years, or maybe a little over.

Q Never was married? A Never was up there.

Q Where are Jeff's children now? A Why some of them if in Barnett and some of them in the country around there.

Q When did you see them last? A I saw some of them every day or two.

Q Did Jeff own property up there? A Well he used to, he don't now.

Q How long has it been since he disposed of it? A Since his wife died, I guess sometimes about there, that is what I heard.

Mr. Smith: What did you say this man's name was that you knew, Jeff who? A Looonian is the man I think I spoke of.

Q You mentioned something about having heard that he belonged to Ross; now when did you hear that? A I can't say when it was.

Q About how long has it been? A I can't say.

Q You can give us some idea? A No, I and him had a conversation and he told me so but I don't know when it was.

Q Been five years ago or five months ago or how long? A Oh it is longer than that.

Q Longer than what? A Longer than five years or five months.

Q You don't know where Jefferson Ross was in '66 and '7? A I don't know where he was.

Q When did you first get acquainted with him? A Oh I got acquainted with him near the day after I got to Garnett, it must have been in the latter part of '68 when I got acquainted with him, sometime in '68.

Q Have you always lived in Garnett yourself since that time?

A I have, had a home there ever since '68.

Q Haven't lived anywhere else? A No, sir, never made my home no where else.

Q I said had you ~~anywhere~~ lived anywhere else? A Why there was my home, but I haven't made a home anywhere else except there.

Q How long is the longest period of time you were ever away from Garnett during that time? A Oh a month or two months.

Q Not longer than two months? A No, sir, I worked for Col. Houser up at Leavenworth City about two months when he was United States Marshal.

Q Well, did you work for other people away from Garnett at different times? A I worked for them in the country in Anderson County but not away any time, away from home that long.

Q Now from the time you first knew Jeff Ross how many years did he continue to stay there, ~~xxx~~ before he commenced to go backwards and forwards? A I can't tell.

Q Don't know? A Can't tell.

Q You don't know when he first commenced to go back and forwards?

Q I don't know.

Q From that place to the Territory? A Never taken any ideas of it, I don't know.

Q When did his wife die? A Oh it has been two or three years ago.

Q You don't know whether that man that you are talking about is the man that is ~~xxx~~ here in this case or not? A No, I haven't seen him here.

Mr. Hastings: Did he tell you who his old master was? A I don't know as he did, only they called him, said something about Ross.

Q This man Jeff, whose wife is dead, her name was Sylvie? A I am satisfied that was her name, that is what we called her anyhow.

Mr. Smith: Who called her Sylvie? A Well he did and I did and others.

Q You called her Sylvie too? A No, I didn't call her Sylvie, I generally called her sister, she belonged to our church and I generally called her as a member of our church.

Q What did you generally call her? A Sister Looonian.

Q Then you didn't call her Sylvie? A Oh when I would be talking to anybody else I might have called her Sylvie, but to her face I didn't do it, I always called my people that way.

Q Do you remember really what her name was? A I don't know what it was, as I told you, I know what we called her.

case of James Reed, on D card 205.

Bruce S. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce S. Jones

Subscribed before me this 20th day of October, 1905.

[Signature]

Notary Public.

VALLEY PAPER CO. HO

Comm. R.

Cherokee Freedmen D-872.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Jefferson Ross, et al., as Cherokee Freedmen.

DECISION.

It appears from the record herein that Jefferson Ross ap-
peared before the Commission at Nowata, Indian Territory, on June
26, 1901, and made application for the enrollment of himself and
his four minor children, Wilson, Emma, Gertie and Frank Ross, as
Cherokee freedmen. Further proceedings were had in the matter
of said application at Vinita, Indian Territory, on October 25,
1901.

The evidence herein shows that Jefferson Ross and his wife,
Lydia Ross (now deceased), were the slaves of Cherokee citizens at
the commencement of the rebellion; that during said rebellion they
left the Cherokee Nation and did not return thereto and establish
a residence therein within the time specified in the decree of the
Court of Claims rendered on February 3, 1896, in the case of Moses
Whitmire, trustee, et al., vs. the Cherokee Nation, et al., for the
return of Cherokee freedmen to said Nation. The said Wilson
Ross, Emma Ross, Gertie Ross and Frank Ross have been born since
1866 and have no rights to enrollment except such as they may have
acquired through their said parents.

It does not appear that the name of any one of the applicants
herein is identified on the 1860 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the
application for the enrollment of Jefferson Ross, Wilson Ross,
Emma Ross, Gertie Ross and Frank Ross as Cherokee freedmen should
be denied, under the provisions of section twenty-one of the act
of Congress approved June 28, 1898, (30 Stat., 495), and it is so
ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Chairman.


Commissioner.

C. R. Redding
Commissioner.

W. E. Harvey
Commissioner.

Muskogee, Indian Territory.

this MAR 5 1904

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
OCT 11 1901


ACTING CHAIRMAN

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory AUG 26 1901, 1901

Received of the Commission to the Five Civilized
Tribes one copy of the testimony in the matter of the
application of Jefferson Ross Neal for en-
rollment as Cherokee Freedmen.

Millette Smith

Cherokee Freedmen # 1877

Vinita, Indian Territory, October 25th, 1901.

Mr. Jefferson Ross,
Hayden, Indian Territory.

Dear Sir:

Enclosed herewith please find birth affidavits as follows:
Frank Ross, Gertie Ross, Wilson Ross and Emma Ross. The same are
returned to you for the reason that they are not in due form.
As the mother of these children is deceased, it will be necessary
that you make affidavit as to their birth. You will also find
enclosed herewith four blank forms of affidavits such as are used
by the Commission for enrolling infant children. Please give this
matter your prompt attention.

Yours truly,

Commissioner.

Enclosure 272
and 4 BC.

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COPI

Cherokee Freedmen
D 872

Muskogee, Indian Territory, March 24, 1904.

Jefferson Ross,

Mudgen, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting your application for the enrollment of yourself and your minor children, Wilson, Emma, Gertie and Frank Ross, as Cherokee freedmen. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him as copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Encl. V-9

Commissioner in Charge.

Registered.

Cherokee Freedmen
D 872

Muskogee, Indian Territory, March 24, 1904.

Edgar Smith,
Attorney for Jefferson Ross, et al.,
Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 8, 1904, rejecting the application of Jefferson Ross for the enrollment of himself and his minor children, Wilson, Emma, Gertie and Frank Ross, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Encl. V-10
Registered.

COPY.

Cherokee Freedmen
D 872

Muskegee, Indian Territory, March 24, 1904.

W. W. Hastings,
Attorney for the Cherokee nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 8, 1904, rejecting the application of Jefferson Ross for the enrollment of himself and his minor children, Wilson, Emma, Bertie and Frank Ross, as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Encl. V-11

Commissioner in Charge.

COPY.

Cherokee Freedmen
D 872

Muskegee, Indian Territory, March 24, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Jefferson Ross for the enrollment of himself and his minor children, Wilson, Emma, Gertie and Frank Ross, as Cherokee freedmen, including the Commission's decision rejecting said application.

Respectfully,

I. B. Needles.

Encl. Y-12

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

Refer in reply to OFFICE OF INDIAN AFFAIRS,
the following:

WASHINGTON, September 20, 1904.

Land

20519-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated March 24, 1904, transmitting the record of the application for enrollment as Cherokee freedmen by Jefferson Ross for himself and his four minor children, Wilson, Emma, Gertie and Frank Ross.

March 5, 1904, the Commission decided adversely to the applicants.

The record shows that Jefferson Ross and his wife Lydia Ross (now deceased), were the slaves of Cherokee citizens at the beginning of the war of the rebellion; that during the war they left the Cherokee Nation and did not return thereto and establish a residence therein on or before February 11, 1867. The other applicants have no rights to enrollment except such as they may have acquired through their parents, Jefferson and Lydia Ross. It does not appear that the names of the applicants are found on any roll pertaining to the Cherokee Nation.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully

A. C. Tenner

Acting Commissioner

H. H. W.

(COPY)

W. C. F.

DEPARTMENT OF THE INTERIOR,

D. E. 38502-1904

FHE

WASHINGTON, October 5, 1904.

I. E. D. 7620-1904

Y.P.
LRS.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

March 24, 1904, you transmitted the record in the matter of the application of Jefferson Ross for the enrollment of himself and his minor children, Wilson, Emma, Gertie and Frank Ross, as Cherokee freedmen, including your decision of March 5, 1904, rejecting said application.

Reporting in the matter September 20, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan

1 inclosure.

Acting Secretary

COPY.

Cherokee Freedmen
D-872

Muskogee, Indian Territory, October 25, 1904.

Edgar Smith,

Attorney for Jefferson Ross, et al.

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated March 5, 1904, rejecting the application for the enrollment of Jefferson Ross and children, Wilson, Emma, Gertie and Frank Ross, as Cherokee freedmen, was approved by the Secretary of the Interior on October 6, 1904.

Respectfully,

SIGNED: *Tamr Dixby*
Chairman.

COPY.

Cherokee Freedmen
D-572

Muskogee, Indian Territory, October 25, 1904.

Bell, Hastings and Davenport,
Attorneys for Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision, dated March 5, 1904, rejecting the application for the enrollment of Jefferson Ross and children, Wilson, Emma, Gertie and Frank Ross as Cherokee freedmen, was approved by the Secretary of the Interior on October 6, 1904.

Respectfully,

SIGNED: *Tams Dixby*
Chairman.

COMMISSIONERS:

YAMM BERRY,
THOMAS S. WHEELER,
C. B. BRIDGEMAN,

WM. O. HEALY,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

NUMBER TO BE PLACED TO THE FOLLOWING:

Cherokee Freedmen
D-872

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 26, 1904.

Jefferson Ross,

Hudson, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated March 5, 1904, rejecting the application for the enrollment of yourself, and children, Wilson, Emma, Gertie and Frank Ross as Cherokee freedmen, was approved by the Secretary of the Interior on October 6, 1904.

Respectfully,



Chairman.

MAR 22 1967

[Handwritten signature]
ST. LOUIS BRANCH

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Jefferson Ross,

Hudson, I. T.

Cherokee-F-D-878.

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

B

30872

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JUN 26 1901



ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

JUN 26, 1901

Date
 Post Office *Hudson I.T.*
 District *Gov*

1. Name *Jefferson Ross* Age *53*
 Owner's name *Lewis Ross* Citizenship *Cherokee*
 Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____
 Mother _____ Citizenship _____

2. Name of wife _____ Age _____
 Owner's name _____ Citizenship _____
 Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____
 Mother _____ Citizenship _____

Names of Children:

No.	Name	Year	Page	No.	Dist.	
2	<i>Wilson Ross</i>					<i>20</i>
3	<i>Emma "</i>					<i>17</i>
	<i>Charlotte "</i>					<i>17</i>
4	<i>Estie "</i>					<i>15</i>
5	<i>Frank "</i>					<i>10</i>
	<i>George "</i>					<i>10</i>
9						
10						
11						
12						

Application made by *M. I.* Stenographer *B. B. Jones*

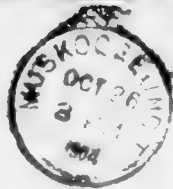
2, 3, 4, 5, Birth aff. etc required.

Represented by Mellette and Smith.

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.



Jefferson Ross,

Hudson, Indian Territory.

1879 472

General Office

Commission to

Five Tribes

(Faint handwritten text, possibly "No. 1000")

Cher. Fr. R. 761

Trans. from C. Fr. D. 874

Cher. Fr. R. 761

... acquired before me from the staff of ...

... the defendant.

... the Commission to the ...

Stewart, L. B. ...

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DEPARTMENT OF JUSTICE
COMMISSION TO THE ...

FILED
AUG 20 1907

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7 5874

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 22d, 1901.

In the matter of the application of Ransom Daniels for the enrollment of himself, his sister and two brothers as Cherokee freedmen; he being sworn by Commissioner T. B. Needles, testified as follows:

Mallette & Smith attorneys for applicant;
W.W. Hastings and James Davenport attorneys for the Cherokee Nation.

By Com'r Needles:

- Q What is your name? A Ransom Daniels.
Q What is your age? A 23.
Q What is your postoffice address? A Hayden.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee freedman? A Yes sir.
Q Who do you want to have enrolled besides yourself? A My sister and two brothers.
Q What is the name of your sister? A Maggie Daniels.
Q How old is she? A 20 years.
Q What are the names of your brothers? A Joe Daniels.
Q How old is he? A 19 years old.
Q What is the name of the other one? A Harry Daniels.
Q How old is he? A 17.

By Mr. Mallette:

- Q Where do you live? A On Salt Creek.
Q Who was your father? A Harry Daniels.
Q What was your mother? A Adeline.
Q How old are you? A 23.
Q Where have you been living since you can remember? A Over here on Salt Creek.
Q Did you ever live out of the Cherokee Nation? A Not as I know of.
Q Where were you born as far as you know? A In the Nation.
Q Cherokee Nation? A Yes sir.
Q Do you own a place of your own on the Public Domain of the Cherokee Nation? A Yes sir, I am on my father's place.
Q Since his death you are still on his place are you? A Yes sir.
Q Your father is dead isn't he? A Yes sir.
Q Where are these two brothers whose names you mentioned? A In the Nation.
Q Cherokee Nation? A Yes sir.
Q Have you some sisters who are married? A Yes sir.
Q What are their names? A Bell and Marguerite.
Q Is Maggie for whom you apply your full sister? A Yes sir.
Q Are you on the Kern Clifton roll? A Yes, sir.

By the Commission:

- Q Are your parents living? A No sir they are both dead.
The 1890 authenticated roll of the Cherokee Nation examined and the name of the applicant not found thereon.
The names of none of the applicants can be identified on the census roll of 1898.
The Kern Clifton roll of the Cherokee Nation examined and the names of the applicants found thereon as follows:
Page 183 No. 4492, Ransom Daniels.
Page 183 No. 4494, Joseph Daniels.
Page 183, No. 4495, Harry Daniels, Jr.
Page 183, No. 4498, Maggie Daniels.
The Wallace roll of the Cherokee Nation examined and the name of the applicants found thereon as follows:-
Page 182 No. 3348, Ransom Daniels.
Page 182 No. 3349, Maggie L. Daniels.
By the Commission:

- Q Where have these two brothers lived all their lives? A In the

Cherokee Nation.

- Q Were they born here in the Nation? A Yes sir.
Q This sister, is she a full sister of yours? A Yes sir.
Q How long has your father been dead? A Two years.
Q How long has your mother been dead? A I dont know.
By Davenport:
Q Do you know where your father was living when the war commenced?
A No, sir.
Q You dont know to whom he belonged? A No sir.
Q Do you know where Marguerite was born? A No, sir.

ALLEN LYNCH, called and sworn as a witness for the applicant testified as follows:

By Mellette-

- Q What is your name? A Allen Lynch.
Q How old are you? A 61.
Q What is your postoffice address? A Vinita.
Q Do you know the applicant here, Ransom Daniels? A Yes sir.
Q Did you know his father Harry? A Yes sir.
Q Was his father a slave in the Cherokee Nation before the war?
A Yes sir.
Q How long before the war did you know him? A Ever since I was a boy.
Q Do you know where he was during the war? A No sir.
Q Who was his master? A Jim or Bob Daniels.
Q Which one was it? A Lame Jim.
Q Where did they live? A On Baties Prairie.
Q In what Nation? A In the Cherokee Nation.
Q What district? A Delaware.
Q So he was a slave in the Cherokee Nation and of a Cherokee citizen at the beginning of the war? A Yes sir.
Q Do you know when he came back after the war? A No sir.
Q Did you ever know of him in the Cherokee Nation after the war?
A Yes sir.
Q Where? A On Lightning Creek.
Q How many years ago was that? A I cannot tell you that.
Q Did you know his wife Caroline? A No sir.
Q Have you known this boy? A Yes sir.
Q You know he is Harry Daniels child? A Yes sir, they claimed him to be.

Q You didn't know his mother? A No sir.

By Davenport:

Q You dont know of your own knowledge that Harry Daniels belonged to a Cherokee citizen when the war broke out do you? A I know they owned him before the war.

Q How long before the war did you know of him belonging to the a Cherokee citizen? A Daniels.

Q No I asked how long? A A year or two.

Q You hadn't seen him then within a year or so before the war?

A No sir.

Q How far did you live from him when the war broke out? A About 30 miles, but before that we used to live close to him.

Q When did you move from Baties Prairie? A When I was a boy.

Q How long was that before the war? A About 20 years, but I need this boys father and his uncle often before that war.

Q When was the last time that you saw this boys reputed father and uncle before the war? A About a year.

By Mellette:

Q You said you saw him during the war? A No sir he went south and I went north.

By the Commission:

Q You dont know when he came back after the war? A No sir.

LUSTER FOREMAN, called and sworn as a witness for the applicant testified as follows:

By Mr. Mellette:

- Q What is your name? A Luster Foreman.
Q What is your postoffice address? A Vinita.
Q What is your age? A 50 or 60 years old.
Q Are you a recognized Cherokee freedman citizen of the Cherokee Nation? A Yes sir.
Q Do you know this boy, Ransom Daniels? A I am not acquainted with him.
Q Did you know Harry Daniels, his father? A Yes sir.
Q When did you know him? A I wasn't really acquainted with him, I seed him though in the spring of '86.
Q Where? A Fort Gibson.
Q You were there at the time? A Yes sir, I was residing there.
Q What was Harry Daniels doing there? A Come there to visit his brother.
Q Who was his brother? A Ransom.
Q You know his brother? A Yes sir, we was together in the same regiment during the war.
Q Was Ransom Daniels, his brother, on the roll of 1880? A Yes sir.

By Mr. Mellette to the Commission - "We would like to have the roll of 1880 examined and see if Ransom Daniels, the alleged brother of this applicant's father is identified thereon"

By Mr. Hastings: "Come now the representatives of the Cherokee Nation and protest against the encumbering of the encumbering of the record or the confusion of the same by the enrollment from the 1880 authenticated roll of Ransom Daniels, because it does not prove or tend to prove who Harry Daniels, the father of the applicant, belonged to at the beginning of the war, or when Harry Daniels returned to the Cherokee Nation after the war."

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's uncle identified thereon as follows:

Page 96 No. 966, Ransom Daniels, Cooweescoowee district.

By Hastings:

- Q You didnt know him before the war? A No sir.
Q Were you at Fort Gibson in '86? A Yes sir.
Q Was he there? A Yes sir come there to visit his father.
Q Who come there to visit his father? A His brother.
Q Did he have a wife with him? A I didn't see any.
Q Did he have any family with him? A No sir.
Q How many times did you see him? A I saw him at different times with his brother.
Q How long did you see him there? A I dont know how long, they came there to the shop where we and my stepfather was working.
Q What was you working at? A Blacksmithing, tried to, but it was too hot and too hard and I quit.
Q When was that Luster? A In '86.
Q What time of the year? A Spring.
Q Did you see him any after that spring? A Didn't see him any more for a long time, seed him next up in this country here.
Q How long? A I don't know how long.
Q Was it a number of years after? A Yes sir.
Q You never did see this boy here? A No sir, not until I came up here to Vinita.
Q I thought you said a while ago that you didn't know this boy?
A I dont know him.
By Mellette:
Q When you saw this Harry Daniels in the country up there, was it

-4-
with his brother.

Q Was this boy here claimed by him as his son? A I dont know.
By the Commission:

Q You didn't work at the blacksmith trade very long did you? A No sir it wastoo hard and too hot and I found something easier to do.

JOHN LANDRUM called and sworn as a witness, testified as follows for the applicant-

By Mr. Mellette:

Q What is your name? A John Landrum.

Q Where do you live? A On Lightning Creek.

Q How old are you? A I am 59.

Q Are you a freedman citizen of the Cherokee Nation? A Yes sir.

Q Is your name on the roll of 1880? A Yes sir.

Q Do you know this applicant, Ransom Daniels? A Yes sir.

Q Who was his father? A Harry Daniels.

Q Who was his mother? A I did not know her.

Q How long have you known his father Harry Daniels? A I knowed him before the war.

Q To whom did he belong then? A Jim Daniels.

Q Where did they live at that time? A This side of Baties Prairie, near Mayesville.

Q How far did you live from them? A About 10 miles.

Q Where did he go during the war? A I dont know where they went, they carried him south I guess.

Q When? A Before the war.

Q How long before the war? A Several years, 3 or 4.

Q Where did they go to? A I dont know.

Q Did you see him here again after the war? A Yes sir.

Q When did you first see him after the war? A '67.

Q Where? A On Lightning Creek — Oh I remember, Salt Creek, Salt Creek that is where I saw him.

Q Is Salt Creek close to Lightning Creek? A Yes sir.

Q How long did you know him after that? A He didn't stay there a great while, he went back.

Q Where to? A Fort Gibson is where he said he was going back to.

Q Where did he live at the time of his death? A Salt Creek.

Q How long did he live there before he died? A I dont know exactly, quite a while, from the time he moved his family there.

Q How many children did he have? A When he came there he had four.

Q Was this one? A Yes sir.

Q Do you know his wife's name? A No sir.

Q Did you ever see her? A No, sir.

Q Who was his wife when you knew her? A Didn't have any wife, he was just a little boy when they carried him away before the war.

Q I mean when he died? A He was a single man then.

Q You said you knew him just before his death? A Yes sir.

Q Where was he living then? A On Salt Creek.

Q Who was he living with at that time? A With his brother Ransom.

Q Where were these children then? A With him there.

Q Who were the children? A This is one of them, the other is a girl,

a young woman, her name is

Q Where is she now? A Up there on Lightning Creek.

Q Do you know the names of the other two boys? A I know one of them.

Q What is his name? A Joe.

Q You don't know who the other children were? A No sir, Marguerite was one of them.

Q Some of them are married are they? A Marguerite is.

Q Who is she married to? A George.

Q George who? A Bell.

Q When you first saw Harry Daniels on Salt Creek this boy here was

born was he? A Yes, sir, he had him with him.

Q That was the first time that you ever saw him from '66? A Yes sir

Q This boy was then a child? A Yes sir a good big boy.

Q Do you know Martin Thompson at Goodies Bluff when you saw this boys father up there? A I think he was up there.

Q Did you see Cal Coker up there? A Yes sir.

Q And this boys father belonged to Jim Daniels before the war?

A Yes sir.

Q And they left here some years before the war? A Yes sir, 3 or 4 years before.

Q The father was taken away some 3 or 4 years before the war was he?

A Yes sir.

Q But you dont know where to? A No sir.

Q And you never saw him again until you saw him on Salt Creek?

A No sir.

By Hastings:

Q How far do you live from Salt Creek? A 4 miles.

HARRY STILL, called and sworn as a witness for the applicant, testified as follows-

By Mallette-

Q What is your name? A Harry Still.

Q Where do you live? A On Lightning Creek.

Q How old are you? A 54.

Q Do you know this applicant? A Yes sir.

Q Did you know his father? A Yes sir.

Q Who was he? A Harry Daniels.

Q When did you first see Harry Daniels after the war? A In '67.

Q Where? A At Ransom Daniels.

Q Who was he? A They were brothers.

Q Where did you see him then? A On Salt Creek.

Q Was Harry Daniels married at that time? A I dont know sir.

Q Did you know this applicants mother? A No sir, I knowed the children, I went up and got the children and him.

Q Where did you go for them? A Cosby Beams on Four Mile Branch.

Q You went there for them did you? A Yes sir they was all little children and had no mother then and I moved them there on Salt Creek.

Q They was all born then? A Yes sir, all born, Joe, Mag, Marguerite and this one -- the first time I seed Harry was in '68 instead of '67, I went up to his brothers Ransom Daniels and he said that he wanted me to move his brother Harry, and he let me have a team and I found them there at Cosby Beams, and I found Henry there with four children that he had with him, I dont know where they were born or who their mother was.

Q Where is his mother now? A They are both dead, Ransom and Harry are both dead.

By Davenport-

Q This boy was born at the time? A Yes sir.

Mallette:

Q The first time you saw this boys father was at Cosby Beams?

A No sir since I come to think of it, I seed him once before at his brother Ransoms before that alone.

By Hastings:

Q How many years intervened from the time you first saw Harry at his brothers until you moved him and these children? A 7, 8, or 10 years, I don't know.

By Com'r Needles- Ransom Daniels applies for himself, his sister Maggie, 30 years of age, his brother Joe, 19 years of age and his brother Harry 17 years of age. Said Ransom Daniels is not identified on the authenticated roll of 1860; he and his sister Maggie are identified on the Wallace roll. They are all identified on the Kern Clifton roll. He swore and proves that

they are the children of Harry Daniels, a slave. He avers that their mother was named Caroline. The father and mother are both dead. The brothers and sisters, for whom he applies are both living. No proof as to the citizenship of the mother of Harry Daniels, the father of applicants, is presented, neither is there any proof as to the marriage of the said Harry and Caroline Daniels. Proof is presented that Harry Daniels was a slave of a Cherokee citizen. They are all identified and make satisfactory proof as to residence, consequently the said applicant, Ransom Daniels, his sister Maggie and his two brothers Joe and Harry Daniels will be listed for enrollment as Cherokee freedmen on a doubtful card, and they will be notified as to the final decision of the Commission, by mail.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full, all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Signed, Chas. von Weise,

Subscribed and sworn to before me this the 2nd day of July, 1901, at Nowata, I. T.

Signed, T. B. Needles,
Commissioner.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he ~~has~~ copied the foregoing, and that the same is a true and correct copy from the original.

Bruce G. Jones

Sworn to and subscribed before me this the 31st of July, 1901.

M. D. Green
Notary Public
Commissioner

Butler, D-818.

Commissioner. The will be filed in the case of Williams

was here. Just in my recollection.

Comm. has order. I think that was the order when Williams

made a record of the same was made prior to the past year.

It now appears that they were required for the State of Texas.

Just as William Williams had the Commission for Williams the report

Mr. Williams; comes now the representatives of the

Williams and I never, but with the action to him of his representative

that we were expected to keep open. What I did was to

I think have been the two months of the month of January of 1911.

or that he was married. I can't give you any further answer

of what was done and how he was in Texas before the report

of the report was of his children were born. I do not

be not know where Williams was born. I do not

remember report there. I don't remember.

I don't know how long he was in Texas. I don't

know how long he was in Texas. I don't

know how long he was in Texas. I don't

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE MEXICAN CHALLENGE

FILED
AUG 2 1911

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 26, 1901.

In the matter of the application of Ransome Daniels for enrollment as a Cherokee Freedman.

Supplemental testimony.

Appearances:

Mollette & Smith, attorneys for applicant;
W. F. Hastings, of counsel for Cherokee Nation.

Peter Williams, being duly sworn and examined before Commissioner Needles, testified as follows:

Mr. Smith: What is your name? A Peter Williams.

Q How old are you? A I can't tell you.

Q About 100? A About 80, maybe older than that; I can't tell you.

Q Do you know Ransome Daniels? A Yes, sir, I have seen him.

Q Did you know his father, Harry Daniels? A Yes, sir; Harry, I didn't know his father.

Q Do you know this man Bell sits over here by you? A I have seen him a time or two at my shop.

Q Do you know his wife? A No, sir, I don't know his wife.

Q Well, do you know when Harry Daniels came back to the Cherokee Nation? A That is when I saw him.

Q Where did you see him? A At Fort Gibson.

Q Did you know him before the war? A No, I didn't know him before the war.

Q Don't know who he belonged to? A No, sir, only I saw him he was in pursuit of his brother; he came by my shop, in there, and knocked around there a few days, he was around hunting for him, I knew who it was.

Mr. Hastings: Did you ever see him after that? A No, sir, I didn't, he passes away; you see my work kept my close attention.

Q You never saw him before or never saw him since? A No, sir, not until now.

Q You see him now? A Yes, sir.

Q When did you see him? A Been since this court has been sitting.

Q Since we were at Chelsea? A Yes, sir.

Q That was Harry Daniels? A Yes, that is where I saw him.

Q At Chelsea? A Yes, sir.

Q Two or three weeks ago? A Yes, sir.

Q And you never saw him from that time up until this? A No, sir, I never paid no attention, my work generally claimed attention for me.

Q Were you running a blacksmith shop? A Yes, sir.

Q When did you commence running it? A A number of years before the war.

Q Uncle Peter, what year is this? A Well, I can't tell you.

Q What year was it that the Kern-clifton Commission sat? A I never noticed that.

Q What year was it the Wallace Court sat? A Neither did I notice that.

Q ~~What year was it that the Wallace Court sat?~~ you don't know much about dates, do you?

A No, sir.

Q Was this man Harry Daniels married at that time? A I don't know, whether he was or not, I just saw him pass there and he stopped there and looked at my working and would go on.

Q Now you recognized that Harry Daniels ever here the other day when you saw him at Chelsea? A Yes, sir.

Q That was this last two or three weeks ago, when we were over there? A I don't know how long ago, but I recognized him when I saw him.

Q It was when this same Commission was sitting over there?

A Yes, Sir, this same Commission.

Mr. Smith: Who are you talking about seeing over there at Chelsea?

A That man, Harry Daniels, this man that I am witnessing for.

Q Is he here to-day? A I don't know whether he is here to-day or not.

Q You are talking about Ransome, aren't you? A Yes, sir.

Q You are talking about Harry? A Harry is the man.

Q That is his father? A Yes, sir.

Q Well, he is dead? A I guess he is dead.

Q Been dead a good while? A I guess he is dead, I haven't seen him for quite a while.

Q When you were talking about seeing Daniels at Chelsea, you were talking about Ransome? A Ransome.

Q Do you know when Harry died? A No, sir, I don't, I can't tell about that.

Mr. Hastings: Did you see Ransome at Fort Gibson in '66?

A It was in '66 when he passed through there, and I saw him.

Q What was Ransome? A Yes, I reckon he was the man.

BURRELL DANIELS, being ~~swar~~ duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: What is your name? A Burrell Daniels.

Q DO YOU know Harry Daniels, did you know him in his life time?

A I knew Harry Daniels, belonged to the same man that I belonged to, he belonged to that man's brother, Jim Daniels: I belonged to Bob Daniels and he belonged to Jim.

Q Was Jim Daniels a Cherokee Indian? A Yes, sir.

Q Do you know Ransome Daniels? A Yes, sir.

Q What kin is he to Harry? A Brother of Harry Daniels.

Q Now what Daniels were they that belonged to this man that you are speaking of, there was Harry and who else? A Harry and Ransome.

Q You say that Ransome and Harry were that kin? A Brothers.

Q Which Ransome? A Ransome Daniels.

Q Is there more than one Ransome Daniels? A I don't know but one.

Q How old a man was he? A Well, he wasn't quite as old a man as I am, he is older than Harry.

Q Do you know whether Harry had a son named Ransome or not?

A No, sir, I don't know.

Q You don't know ~~whether~~ a young man named Ransome Daniels? A No sir I don't know Ransome; the last time I saw Ransome was while the war was going on, he was a young man.

Q He was older than Harry? A Ransome; he was older than Harry.

Commissioner: Was Ransome Daniels a slave? A Yes, sir, a slave of the same people.

Q You knew Harry Daniels? A Yes, sir.

Q Was he a slave? A Yes, sir.

Q Who did he belong to? A Jim Daniels: first belonged to the old lady.

A You know where he went during the war? A When I left him, I left him there when I went off.

Q What year? A The last time I saw him was when Wattle and Cooper's outfit was here.

Q That was during the war? A Yes, sir.

Q You don't know whether he went away or not? A No, sir.

Q You didn't know his wife Adaline? A No, sir, I don't know his wife.

Mr. Hastings: Where was Harry Daniels living when the war came up?

A LIVING about seven or eight miles this side of Maysville, at old Mary Daniels, the woman that raised him.

Q With Jim Daniels? A Yes, sir.
Q You know that of your own personal knowledge? A Yes, that is where they were living when I last saw them.
Q How long was that before the war? A How long before the war?
Q Yes, that you actually saw them yourself? A I saw him while the war was going on.
Q At Jim Daniels? A Saw him at Jim Daniels.
Q Was Jim Daniels there at that time? A He was there at that time.
Q Living? A Yes, sir.
Q Did Jim Daniels have a wife and family? A Had no wife, his wife died before the war.
Q That Jim Daniels was there living himself the last time you saw Harry before the war, and that was just after the war had started up?
A Yes, sir, after the war started up I saw him.
Q And about seven miles from Maysville on this side of the line in the Cherokee Nation? A Yes, sir, on Beattie's Creek.
Commissioner: That was during the war, was it? A Yes, sir, I saw him there during the war.

JESSE ROWE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: State your name? A Jesse Rowe.
Q How old are you? A About 55; I don't know just exactly how old I am.
Q Did you ever know a man named Harry Daniels? A Yes, sir, I have known him.
Q Do you know his son Ransome? A Yes, sir, I have been acquainted with him.
Q When did you first know Harry Daniels? A I got acquainted with him since the war, somewhere about '68 or '70, I disremember.
Mr. Hastings: Who was that, Harry? A Yes, sir, Harry.
Commissioner: Father of Ransome? A Yes, sir.
Mr. Smith: Do you know when Harry Daniels came back to the Cherokee Nation after the war? A No, sir.
Q Do you know who he belonged to? A No, sir, I don't.
Commissioner: Did you know Adaline, Harry's wife? A Yes, sir.
Q Who was she? A Before she married Harry, she was a Green.
Q Was she a slave? A Yes, sir.
Q Do you know whether Harry and Adaline were ever married? A Yes, sir, they were married.
Q How do you know that? A I saw them when they got married.
Q When was that? A Along in seventy some time, to my best recollection.
Q They lived together until the death of Harry Daniels, do you know?
Q I know they did some, I don't know that to be a fact.
Q And Adaline she is dead also? A Yes, sir.
Q Do you know their children? A I have got acquainted with them since I came to this country, I don't know them long back, all the long years ago.
Q That after you said you saw them married? A Yes, sir, I saw them married, but not the children, I knew the wife a long time before she married.
Q Do you know what children Harry and Adaline had? A No, sir, I don't.
Q You know Harry Daniels and Adaline were married? A Yes, sir.
Mr. Hastings: Where were they married? A Texas.
Q What county? A Smith county, to my best recollection.
Q Was she state raised? A I suppose she was, she was raised in Louisiana I think.

- Q You knew Harry Daniels? A Yes, sir.
- Q How long did you know him before he was married? A Not a great while.
- Q About how many years? A Well, I don't recall just how many years.
- Q Three or four? A I think it was.
- Q Your best judgment? A He came out there in time of the war in Texas and I don't think I saw him until about '70.
- Q About what year do you think he was married? A Along somewhere about that time I got acquainted with him, when he was married.
- Q How long did you know him after he was married there in Texas?
- A You mean to say how long I saw him, or something of that kind?
- Q Yes? A I can't tell you just how long then, he left me, we were scattered about there, I don't remember.
- Q Do you know where Ransome was born? A No, sir.
- Q Know where any of his children were born? A No, sir.
- Q About how long did you see him in Texas altogether either before or after he was married? A I can't give any definite answer to that, I might have seen him two months or six months or something of that kind, we were strangers to each other, when I met him it was down to meetings and I never paid any attention to him or his whereabouts etc.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and moves the Commission to require the applicant to furnish documental proof of the marriage, inasmuch as it now develops that they were married in the State of Texas, where a record of the same was made; which is the best testimony.

Commissioner: I think that was the order when Ransome was here; that is my recollection.

Commissioner: This will be filed in the case of Ransome Daniels, D-812.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 31st of July, 1901.

W. D. Green
Commissioner.
Notary Public

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DEPARTMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
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By and under the seal of the Commission to the Five Civilized Tribes, the following report of the Special Agent in Charge of the Cherokee Nation, dated at Cherokee, Oklahoma, this 10th day of July, 1900, is hereby certified to be true and correct.

REPORT OF THE SPECIAL AGENT IN CHARGE OF THE CHEROKEE NATION, DATED AT CHEROKEE, OKLAHOMA, JULY 10, 1900.

The Special Agent in Charge of the Cherokee Nation, Oklahoma, reports that during the month of July, 1900, he has been engaged in a tour of inspection of the various farms and plantations of the Cherokee Nation, and has observed that the same are being cultivated and improved in a most successful manner. He reports that the farmers are generally well-to-do, and are engaged in a variety of agricultural pursuits, such as the raising of cotton, corn, wheat, and other crops. He also reports that the people are generally well-to-do, and are engaged in a variety of occupations, such as the raising of stock, and the operation of sawmills and other enterprises. He reports that the people are generally well-to-do, and are engaged in a variety of occupations, such as the raising of stock, and the operation of sawmills and other enterprises.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 26, 1901.

In the matter of the application for the enrollment of
Margaret Bell and four children as Cherokee Freedmen.

Appearances:

Mellotte & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

George Bell, being duly sworn and examined by Commissioner
Needles, testified as follows:

- Q What is your name? A George Bell.
Q How old are you? A About 41; I want to enroll my wife.
Q What is your post office? A Hayden.
Q What district do you live in? A Cooweescoowee.
Q Who do you want to enroll? A My wife and children.
Q What is your wife's name? A Margaret Bell.
Q How old is she? A She is about 37.
Q What is her father's name? A Harry Daniels.
Q What is her mother's name? A Her mother was named, so they
say, Adaline, I never saw her mother.
Q Is your wife's name on the roll of 1880? A No, sir.
Q Who do you claim citizenship through for her? A Her father.
Q Has her father been listed for enrollment? A Yes, sir, he
enlisted here the other day, but there was some more witnesses they
wanted to produce to-day.
Q In his case? A Yes, sir, in his case.
Q Is Harry Daniels here himself? A No, sir, he is dead.
Q What case was that? A It was her brother put the case in,
Ransome Daniels; he isn't here.
Q Why isn't he here, if he wants more testimony to put in why
isn't he here to attend to it? A Well, his lawyer said to put it in
when I went to enroll my wife.
Q Your wife's name Margaret? A Yes, sir.
Q Did she have a sister named Maggie? A Yes, sir.
Q Now give me the names of your children? A The oldest one is
named Beatrice.
Q How old is she? A 7 years old.
Q The next one? A Ord O.
Q How old is he? A He is 5 years old.
Q The next one? A George D.
Q How old is he? A He is 3 years old.
Q The next one? A Beulah.
Q How old is Beulah? A She is about 5 months old.
Q Are you a non citizen? A Why a citizen.
Q Have you applied for yourself? A Yes, sir.
Q You have already been enrolled, have you? A Yes, sir.
Q Now you desire to enroll your wife? A Yes, sir, I desire to
enroll the children with me if I can, on my card.
Q You and your wife are not living together? A Yes, sir, we are
living together.
Q Are these children living at this time? A Yes, sir.
Q They are all the children of your wife Margaret? A Yes, sir.
Q Born in the Cherokee Nation? A Yes, sir.
Q Always lived in the Cherokee Nation? A Yes, sir.
Mr. Hastings: Were you ever married before you married her? A No,
sir.
Q She ever married before she married you? A No, sir.
Commissioner: Did your wife draw what is known as the Kern-Clifton
money? A Yes, sir.
The 1880 authenticated roll of Cherokee Freedmen examined
and the applicant not identified thereon.

Margaret Bell - F.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Kern-Clifton roll examined the applicant, Margaret Bell, identified thereon, page 183, No. 4491, district not given, as Margaret Daniels.

Q Did you draw for these children? A No, sir.

Commissioner: George Bell applies for the enrollment of his wife, Margaret Bell. He avers that she is the child of of Harry and Adaline Daniels, and that she is a Cherokee citizen. He avers that by said marriage he has four children, Beatrice, Ord O., George D., and Beulah, whose names are not found upon any of the rolls of the Cherokee Nation. The name of his wife Margaret, nee Daniels, cannot be identified upon any of the rolls of the Cherokee Nation except the Kern-Clifton roll, and she is duly identified upon said roll. Satisfactory proof is made of her residence, consequently Margaret Bell and her children, Beatrice, Ord O., George D., and Beulah, will be now listed for enrollment as Cherokee Freedmen on a doubtful card. In this connection, reference is made to the testimony in the matter of the application of the of Ransome Daniels, brother of the applicant, who is listed for enrollment on D card 818, and the testimony taken and all supplemental testimony taken in the matter of the enrollment of Ransome Daniels will be made part of the record in the case at bar, and a copy thereof filed herewith.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 9th of July, 1901.

[Signature]

Commissioner.

30874

DEPARTMENT OF JUSTICE
COMMISSION TO THE PEOPLE

JUL 13 1951

ACTING DIRECTOR

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Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 26, 1901.

In the matter of the application for the enrollment of
Margaret Bell and four children as Cherokee Freedmen.

Appearances:

Mellotte & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

George Bell, being duly sworn and examined by Commissioner
Needles, testified as follows:

- Q What is your name? A George Bell.
Q How old are you? A About 41; I want to enroll my wife.
Q What is your post office? A Hayden.
Q What district do you live in? A Coowessococree.
Q Who do you want to enroll? A My wife and children.
Q What is your wife's name? A Margaret Bell.
Q How old is she? A She is about 27.
Q What is her father's name? A Harry Daniels.
Q What is her mother's name? A Her mother was named, so they
say, Adalina, I never saw her mother.
Q Is your wife's name on the roll of 1860? A No, sir.
Q Who do you claim citizenship through for her? A Her father.
Q Has her father been listed for enrollment? A Yes, sir, he
enlisted here the other day, but there was some more witnesses they
wanted to produce to-day.
Q In his case? A Yes, sir, in his case.
Q Is Harry Daniels here himself? A No, sir, he is dead.
Q What case was that? A It was her brother put the case in,
Ransome Daniels; he isn't here.
Q Why isn't he here, if he wants more testimony to put in why
isn't he here to attend to it? A Well, his lawyer said to put it in
when I went to enroll my wife.
Q Your wife's name Margaret? A Yes, sir.
Q Did she have a sister named Maggie? A Yes, sir.
Q Now give me the names of your children? A The oldest one is
named Beatrice.
Q How old is she? A 7 years old.
Q The next one? A Ord O.
Q How old is he? A He is 5 years old.
Q The next one? A George B.
Q How old is he? A He is 3 years old.
Q The next one? A Beulah.
Q How old is Beulah? A She is about 8 months old.
Q Are you a non citizen? A Why a citizen.
Q Have you applied for yourself? A Yes, sir.
Q You have already been enrolled, have you? A Yes, sir.
Q Now you desire to enroll your wife? A Yes, sir, I desire to
enroll the children with me if I can, on my card.
Q You and your wife are not living together? A Yes, sir, we are
living together.
Q Are these children living at this time? A Yes, sir.
Q They are all the children of your wife Margaret? A Yes, sir.
Q Born in the Cherokee Nation? A Yes, sir.
Q Always lived in the Cherokee Nation? A Yes, sir.
Mr. Hastings: Were you ever married before you married her? A No,
sir.
Q She ever married before she married you? A No, sir.
Commissioner: Did your wife draw what is known as the Kenu-clinton
money? A Yes, sir.

The 1860 authenticated roll of Cherokee Freedmen examined
and the applicant not identified thereon.

Margaret Bell - 2.

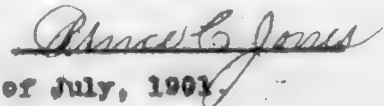
The 1898 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Kern-Clifton roll examined the applicant, Margaret Bell, identified thereon, page 183, No. 4491, district not given, as Margaret Daniels.

Q Did you draw for these children? A No, sir.

Commissioner: George Bell applies for the enrollment of his wife, Margaret Bell. He avers that she is the child of Harry and Adaline Daniels, and that she is a Cherokee citizen. He avers that by said marriage he has four children, Beatrice, Ord O., George D., and Beulah, whose names are not found upon any of the rolls of the Cherokee Nation. The name of his wife Margaret, nee Daniels, cannot be identified upon any of the rolls of the Cherokee Nation except the Kern-Clifton roll, and she is duly identified upon said roll. Satisfactory proof is made of her residence, consequently Margaret Bell and her children, Beatrice, Ord O., George D., and Beulah, will be now listed for enrollment as Cherokee Freedmen on a doubtful card. In this connection, reference is made to the testimony in the matter of the application of the of Ransome Daniels, brother of the applicant, who is listed for enrollment on D card 812, and the testimony taken and all supplemental testimony taken in the matter of the enrollment of Ransome Daniels will be made part of the record in the case at bar, and a copy thereof filed herewith.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.



Sworn to and subscribed before me this the 9th of July, 1901.



Commissioner.

first and complete transcript of the original transcript of same, testimony and proceedings in this case and what the foregoing is a Commission to the five qualified jurors be correctly captioned the N.D. Circuit, being first copy sworn, after that as aforesaid that to the

Commissioner.

Subscribed and sworn to before me this October 31st, 1901.

(attorney) T.E. Needles,
(signed) T.O. Rossman

first and complete transcript of his stenographic notes thereof. testimony and proceedings in this case and that the foregoing is a Commission to the five qualified jurors be correctly captioned the T.O. Rossman, being first sworn, states that as aforesaid that to the

of, and also in Charles Freedmen case docketed #834.

Commissioner; Confessing this testimony will be filed in

Q How many did your father have? A He had none.

Q No, sir, they were about a mile apart.

Q And your father and uncle live on the same piece?

Q Yes five acres there on the piece.

Q Did you have any conversation with your family have? A There

was

Q The first time you saw him was the early part of the 30's

Q He was out at his property in case living at that time? A He said

Q Washington spent as if he had been living? A No, sir.

Q With him.

Q Did you have any conversation with him? A I had some talk

Q Where did you see him?

Q The

Q I saw him about 1883. I saw him the first time I saw him after

Q When did you ever see him? A I saw him after the war, it at

Q Where you ever at his place? A No, sir.

Q You knew him, didn't you? A Yes, sir.

Q Where did he say he was living? A He said he was living out

Q His residence about 50 years ago. I guess the first time I ever seen

Q When did you first see him? A I saw him after the war.

Q And stayed there a while and I located on this river south of town

Q What part of it? A I located after you came back. A I first saw

Q When did you see him? A I came back the fall of '90.

Q Well, did you leave the country during the war? A I felt there

Q Is the Daniels living now? A No, sir.

Q In regard to the signature of personal testimony.

Q Reason that if evidence to be personal, and not within my rule

the evidence of answer of the witness just given for the

Mr. Smith: If the court please, the applicant objects to

them than what was the talk of the family there, my father's talk,

2 710874

File with Margaret Bell C.F. D-874.

Supl. C.F.D-#812

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 23d, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Ransom Daniels, et al., as Cherokee Freedmen, introduced on behalf of the Cherokee Nation.

APPARANCES:

Mr. Smith, of counsel for applicants;
Mr. Davenport, of Counsel for Cherokee Nation.

SARAH MUNDIS, being duly sworn by Commissioner Breckinridge testified as follows on part of the Cherokee Nation:

MR. DAVENPORT: What is your name? A Sarah Mundis.

Q Where do you live, Mrs. Mundis? A On Salt creek.

Q What is your post office? A Ceodys Bluff.

Q How old are you? A 29.

Q How long have you lived on Salt creek? A All my life.

Q That is in the Cherokee Nation is it? A Yes, sir.

Q Do you know the applicant here, Ransom Daniels? A Yes, sir.

Q He is what is known as young Ransom Daniels? A Yes, sir.

Q Did you know the old gentleman of the name of Ransom Daniels? A Yes, sir.

Q Is he dead or alive? A He is dead.

Q Did you ever know a man out there by the name of Harry Daniels who was the father of this applicant, Ransom Daniels? A Yes, sir.

Q Did you ever work for the old man Ransom Daniels? A Yes, sir.

Q About how long ago was that? A That has been about 12 years I guess.

Q While you was working for him did you have any conversation with him with reference to his brother, Harry Daniels? A Yes, sir.

Q Did you write any letters for him to his brother? A Yes, sir.

Q Where were these letters sent? A

Mr. Smith: I object to that; the letters themselves would be the best evidence.

Q After you had written the letters did you keep them in your possession or were they mailed out? A They were mailed out.

Q To what country were the letters mailed?

Mr. Smith: I object because the testimony of the witness would not be the best evidence and the means for obtaining the best evidence in the case has not been exhausted, and has not been attempted to be exhausted.

Commissioner: Note the objection and let the examination go on so the Commission can deny or accept the evidence as it likes.

Q To whom were the letters addressed? A Harry Daniels.

Q What state or country were they addressed? A Texas.

Q Did you have any conversation with the old gentleman when you were writing these letter, or what did he request you to do in the letters?

Mr. Smith: I object to that, if the Court please, because it is not competent.

Q Go ahead, Mrs. Mundis, and state what was said in the letters? A Well, just simply told me to tell his brother to come to this country and see to the rights; the Wallace Court was going on in Vinita and that he must come at once.

Q Had you, before these letters were written, seen Harry Daniels, the brother of old man Ransom? A No, sir.

Q Well, did you afterwards see him? A Yes, sir.

Q How long afterwards? A Oh, it was a year, about a year after I wrote the letter I seen him.

Q Where did you see him? A I seen him on Salt creek, right there where I live at old man Ransom Daniels'.

Q Did he afterwards move his family out there or any part of it?

A Yes, sir.

Q How many children did he bring up here with him, do you know?

A He brought four.

Q What were their names? A Margaret, Maggie, Ransom and Joe.

Q Do you know which were the older of the children? A Margaret was the eldest.

Q Who was next? A Ransom I guess.

Q Well, now where did they live when they first came on Salt creek?

A At old man Ransom Daniel's.

Q How far was that from where you lived? A About a mile and a quarter.

Q About how long did they live up there before old man, Harry Daniels died, the father of these children? A Oh, about nine years maybe, or more.

Q Well, do you know whether or not they ever brought a child up there by the name of Harry, a brother to them? A No, sir.

Q Did you have any conversation with them as to whether or not they had such a brother? A I heard them say they left a brother in Texas.

Mr. Smith: I object to that because it is not shown in the record as to who the witness is talking about; she was asked the question if you heard any of them say and she is saying she heard them.

Q Did you ever hear Ransom Daniels, Margaret, Maggie, or Joe, or either their father Harry say anything about a child of the father by the name of Harry, and a brother to the parties named being here with them? A Why I have heard Margaret, the oldest girl, say she had a little brother left back in Texas.

-Q Well, have you ever seen this Harry around this place there? No, sir.

Q You have lived about a mile of them you say? A Yes, sir, I have lived there all my life.

MR. SMITH: How old are you? A 29.

Q What race do you belong to? A Belong to the colored race.

Q Are you a Freedman citizen? A Yes, sir.

Q Are you an acknowledged Freedman citizen? A Yes, sir.

Q Are you on the 1880 roll? A Yes, sir.

Q How old are you you say? A 29.

Q How long have you lived in the country you now live? A 29 years.

Q Who was your mother? A Sarah Whitmire.

Q Who was your father? A Aaron Whitmire.

Q Who is your husband? A J.C. Mundis.

Q When did you write this letter you are talking about? A 1889.

Q What month? A October.

Q On what day? A I don't know that.

Q October, '89? A Yes, sir.

Q Where were you living then? A I was living at my father's on Salt creek.

Q Where was Ransom Daniels living? A Oh, just lived a mile and a quarter below my father, south.

Q How many letters did you write for him? A Just one.

Q Did he come to your house or did you go to his house? A I was at his house.

Q What were you doing there? A I was cooking a little.

Q How long had you been cooking a little? A I just cooked three weeks.

Q Were you married then? A No, sir.

Q When were you married? A I married in '94.

Q Had you ever been married but once? A That is all.

Q It was in October, '89, you say that you wrote these letters?

A Yes, sir.

Q How do you know that? A Because I recollect it.

Q You just remember it? A Yes, sir.

Q And you wrote the one letter? A Yes, sir.

Q If you wrote the one letter for one person can you remember for ten years, 15 years, just exactly the month it was in? A Yes, sir.

Q You think you wrote a letter for anybody to-day you would remember 15 years from now? A Yes, sir, just one.

Q You are pretty good on dates are you? A I don't know about that; I remember that all right now.

Q In the month of October? A Yes, sir.

Q 1889? A Yes, sir.

Q Is it impossible to be mistaken about that? A No, sir.

Q There is nothing at all to fix that in your memory except that you just wrote this one letter for him? A That is all I wrote.

Q Well, Ransom Daniels is dead now is he? A Yes, sir; the old man is.

Q Harry is too? A Yes, sir.

Q The man you wrote the letter for is dead? A Yes, sir.

Q The man you wrote the letter to is dead? A Yes, sir.

Q Anybody ever see that letter? A No, sir.

Q How far did you live from this applicant? A I live about two miles now; I have moved from my father's.

Q You and your husband live about two miles from them?

A Yes, sir.

Q Ransom got a pretty good place there? A Yes sir.

Q Have you and your husband been trying to get that? A No, sir.

Q Now, isn't it a fact that you are trying to see him loose his citizenship for you and your husband to get that place? A No, sir, not a bit of it.

Q That is not true? A I wouldn't have it.

Q Nobody in the world knows anything about that letter except you?

A Nobody only what they have heard me say; the old man could not read or write then.

MR. DAVENPORT: You don't know what Harry did with it? A No, sir.

Q The only thing you know you wrote the letter? A Yes, sir.

Q And after that Harry came to this country? A Yes, sir.

MR. SMITH: Do you know how long Harry Daniels lived in the Cherokee Nation? A I guess-

Q I don't want you to guess? A Nine years, he has been dead about three years.

Q He never did live here until he came up that time? A I never did see him there.

Q He never lived in your neighborhood or country? A No, sir.

Q He never lived anywhere on Salt creek? A He bought him a place after he came here.

Q After the Wallace court? A After he came to his brothers after 1889, it has been that long since he bought his place.

Q Did he live there on Salt Creek or Lightning creek until after 1889? A I never seen him.

Q Well, now, if he had been living before the time you speak about on Salt creek or on Lightning creek in there, one of these communities there with colored people, you think you would have seen him?

A I think I would.

Q Well, was he there or not? A He was not there until '89, after that.

M. DANIELS; being duly sworn by Commissioner Breckinridge, testified as follows on part of the Cherokee Nation:

MR. DAVENPORT: What is your name? A M. Daniels.

Q Where do you live? A Vinita.

Q How old are you? A 57 years old.

Q Where were you raised? A I was raised near Mayesville in the Cherokee Nation; Mayesville is on the state line.

Q Did you know Ransom Daniels, an old man, and Harry Daniels?

A Yes, sir.

Q How long have you known them? A I have known them ever since I could remember, up until three or four years before the war.

Q Where was Harry when the war broke out, do you know?

A I don't know where he was.

Supl. C.F. D #812, 4.

Q Was he at what was known as Jim Daniels place on Beaty's prairie?
A No, sir.

Q Did you know what became of him? A No, sir, I don't know no more than what was the talk of the family there, my father's folks, they claimed Jim had sold-

Mr. Smith: If the court please, the applicant objects to the evidence or answer of the witness just given for the reason that it appears to be hearsay, and got within any rule in regard to the admission of hearsay testimony.

Q Is Jim Daniels living now? A No, sir.

Q Is your father living? A No, sir.

Q Well, did you leave the country during the war? A I left there during the war, left there the fall of '62, 1862.

Q when did you get back? A I came back the fall of '66.

Q What part of the country did you locate after you came back? A I first came to the old neighborhood of Beaty's prairie where I was raised and stayed there a while and I located on this river south of town here, I located here in '67.

Q When did you first see old man Ransom Daniels after the war?

A I saw him about 20 years ago I guess the first time I ever seen him, somewhere about '80 or '81.

Q Where did he say he was living? A He said he was living out here on Salt creek or Lightning Creek.

Q You knew him pretty well from that time on? A Yes, sir.

Q Were you ever at his house? A No, sir.

Q When did you see Harry Daniels after the war, if at all?

A I saw him about 1892 or '95, was the first time I saw him after the war.

Q Where did you see him? A Here in Vinita.

Q Did you have any conversation with him? A I had some talk with him.

Q Anything about as to where he had been living? A No, sir.

Q Did he tell you where he was living at that time? A He said he was out at his brother's, out at old Rance's.

Q The first time you saw him was the early part of the 90s?

A Yes, sir.

MR. SMITH: How many slaves did your family have? A There was five slaves there on the place.

Q Did your father and uncle live on the same place?

A No, sir, they were about a mile apart.

Q How many did your father have? A He had none.

Commissioner: Copies of this testimony will be filed in Cherokee Freedman case D 812, entitled Sansom Daniels, et al, and also in Cherokee Freedmen case doubtful #874.

---00000000---

J.O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

((signed) J.O. Rosson

Subscribed and sworn to before me this October 31st, 1901.

((signed) T.B. Needles,
Commissioner.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of the original transcript of same.

Subscribed and sworn to before me this December 11, 1901.

Commissioner.

Subscribed and sworn to before me this 13th day of July 1805.

McIntire & Co.
[Signature]
Esq.

Witness my hand.

COULD' HAD THAT THE SAME AS A TRUE AND CORRECT COPY OF THE ORIGINAL
COMMISSION TO THE KING CHARLES THE FIRST, AND WOULD THE ORIGINAL
BUT MYSELF; BEING THE ONLY SWORN EVIDENCE THAT IS ATTACHED TO THE
ORIGINAL.

(2 2 V J)

B. G. Brewer.

Subscribed and sworn to before me this 13th day of July, 1805.
noted thereof.

THE ORIGINAL OF THE SAME AS A TRUE AND CORRECT COPY OF THE ORIGINAL
COMMISSION TO THE KING CHARLES THE FIRST, AND WOULD THE ORIGINAL
BUT MYSELF; BEING THE ONLY SWORN EVIDENCE THAT IS ATTACHED TO THE
ORIGINAL.

Commission: The Commission to the King Charles the First, and would the original of the same as a true and correct copy of the original but myself; being the only sworn evidence that is attached to the original.

of the wife and children of the late Charles the First, and would the original of the same as a true and correct copy of the original but myself; being the only sworn evidence that is attached to the original.

of the wife and children of the late Charles the First, and would the original of the same as a true and correct copy of the original but myself; being the only sworn evidence that is attached to the original.

of the wife and children of the late Charles the First, and would the original of the same as a true and correct copy of the original but myself; being the only sworn evidence that is attached to the original.

of the wife and children of the late Charles the First, and would the original of the same as a true and correct copy of the original but myself; being the only sworn evidence that is attached to the original.

F. D. 812
To be filed in F. D. 874

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T. May 25, 1902.

In the matter of the application of Ransom Daniels for the enrollment of himself, brothers and sisters as Cherokee Freedmen.

SUPPLEMENTAL TO D - 812

Applicants represented by Mellette & Smith.
Cherokee Nation represented by W. W. Hastings.

COMMISSION: The Cherokee Nation, by its representatives, makes satisfactory proof of service on the applicant's attorneys, Mellette & Smith, Vinita, Indian Territory, that it would, on the 23rd day of May 1902, at the office of the Commission at Muskogee, Indian Territory, introduce testimony tending to disprove the right of the said Ransom Daniels et al to enrollment as Cherokee Freedmen. The applicant and his attorneys fail to appear.

EZEKIEL BECK, being first duly sworn, testified as follows:

- MR. HASTINGS: What is your name? A Ezekiel Beck.
Q What's your age, Mr. Beck? A 66
Q Are you a Cherokee citizen by blood? A Yes sir.
Q What's your postoffice? A Kansas, Indian Territory, Delaware District.
Q Where did you live before the war? A I lived in the neighborhood of Kansas, Beattie's Prairie.
Q In Delaware District? A Yes sir, Delaware District.
Q Cherokee Nation? A Yes sir.
Q Did you know a Cherokee who lived near Beattie's prairie by the name of James Daniels? A Yes, sir.
Q Was he any relation to you? A Yes sir.
Q How long did you know him before the war? A Before the war, well I have known him ever since I can remember.
Q Was he lame? A Yes sir, he was a lame fellow.
Q You knew him a number of years before the war? A Yes sir.
Q Where was he living say for four or five years before the war?
A He was living with my father.
Q With your father? A Yes sir, and me together.
Q And you together? A Yes sir he made each place his home.
Q You knew him very well then? A Yes sir.
Q You knew his business transactions at that time? A His business
Q Yes sir. A He didn't have no business much.
Q Didn't? A No sir.
Q Well I will ask you if he had any slaves at that time? A No sir
Q Did he have any slaves before the war came up? A No.
Q Did he have any slaves freed, that were his while they were belonging to him? A He had one gentleman.
Q At the time the slaves were freed did he have any? A Oh, No, he had nary one then.
Q Now you can tell anything you want to about that old gentleman.
A After the old man Daniel's wife died he had an old dardy who was willed to him from his father, and he give him his freedom.
Q How long was that before the war? A Oh, that was ten or fifteen years before the war.
Q Ten or fifteen years? A Yes sir.
Q Did he have any colored people when the war came up? A No, sir.
Q You are positive of that? A Well, yes, sir, I am positive of that.
Q Did he have a colored man by the name of Harry when the war came up? A No sir.

Q You say Jim Landrum was making his home with you and your father?

A I knew Jim Daniels.

COMMISSION: You say he did'nt own any slaves at all at the outbreak of the war, did he? A No sir.

Q How long before the war was it before this old colored man was liberated? A Before the war.

Q Yes sir. A Must have been ten or twelve years before the war.

Q What was that old man's name? A Ben.

Q Ben Daniels? A Yes, sir.

Q Was this James Daniels a citizen of the Cherokee Nation? A Yes sir.

Q How was he related to you? A His mother and my grand-mother were sisters.

MR. HASTINGS: Did he have any property at all at that time, Jim Daniels? A None at all whatever.

COMMISSION: How old a man was he? A Well now he was some older than I was, and I am 56. I am in my 67th year now.

MR. HASTINGS: How old was this old colored man before the war that you speak of, that you give his freedom, before the war, at the time he gave him his freedom? A Must have been 70 or 75, he was nearly helpless.

Q Nearly helpless? A Yes sir.

Q Was this James Landrum married at the outbreak of the war?

A James Daniels?

Q James Daniels? A No sir, he was a single man.

Q Was he ever married? A Yes sir.

Q Before or after the war? A Way before the war.

Q His wife had died before the war? A His wife had died, had no heirs.

COMMISSION: This testimony will be filed in the case of Margaret Bell et al, D 874, represented by Mellette & Smith

Arthur G. Croninger, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Arthur Croninger.

Subscribed and sworn to before me this 2nd day of July, 1902.

(S E A L)

P. G. Reuter.

Ella Mielenz, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the foregoing copy, and that the same is a true and correct copy of the original transcript.

Ella Mielenz

Subscribed and sworn to before me this 19th day of July 1902.

[Signature]
Notary Public.

Comm R

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Ransom Daniels et al. as Cherokee Freedmen, consolidating the
applications of

Ransom Daniels et al.....Cherokee Freedmen D 812
Margaret Bell et al.....Cherokee Freedmen D 874

D E C I S I O N .

The record herein shows that applications for enrollment,
as Cherokee Freedmen, were made to this Commission by Ransom Daniels,
for himself and minor brothers and sister, Harry, Maggie and Joseph
Daniels; and by Margaret Bell, for herself and minor children,
Beatrice, Ord O., George D. and Beulah Bell.

The evidence shows that all of the applicants herein have
been born since 1867 and are descendants of and claim right to en-
rollment through one Harry Daniels.

The evidence further shows that the said Harry Daniels was
the slave of a Cherokee citizen at the commencement of the rebellion;
that during said rebellion he left the Cherokee Nation and did not
return thereto within the time specified, in the decree of the Court
of Claims rendered February 3, 1898, in the case of Moses Whitwire,
trustee, etc., vs. The Cherokee Nation, et al., for the return of
freedmen to said Nation.

None of the applicants herein are identified on the 1860
authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the
application for the enrollment of Ransom Daniels, Harry Daniels,
Maggie Daniels, Joseph Daniels, Margaret Bell, Beatrice Bell, Ord
O. Bell, George D. Bell and Beulah Bell, as Cherokee Freedmen, should
be denied under the provisions of Section Twenty-one of the Act of
Congress approved June 28, 1898 (30 Stats., 495), and it is so
ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tams Bixby.

Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Brockbridge.

Commissioner.

Muskogee, Indian Territory,

this DEC 12 1904

Commissioner.

COPY.

Cherokee Freedmen
D-674.

Maskogee, Indian Territory, December 12, 1904.

Margaret Bell,

Hayden, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 12, 1904, rejecting, among others, the application for the enrollment of yourself and your minor children, Beatrice, Ord G., George D. and Beulah Bell, as Cherokee freedmen. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-80.

Register.

CHIEF

Tamm Dixie
Chairman.

COPY.

Cherokee freedmen
D-812-874.

Muskogee, Indian Territory, December 12, 1904.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 12, 1904, rejecting the applications for the enrollment of Hansden, Harry, Maggle, and Joseph Daniels, and Margaret, Beatrice, Ord O., George D. and Beulah Bell as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-62.

SIGNED *Tame Birby*
Chairman.

COPY.

Cherokee Freedmen
D-612-874.

Muskogee, Indian Territory, December 12, 1904.

Wagar Smith,

Attorney for Ransom Daniels, et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 12, 1904, rejecting the applications for the enrollment of Ransom, Harry, Maggie and Joseph Daniels, and Margaret, Beatrice, Ord O. George D. and Beulah Bell as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED).

Tame Dixby.

Chairman.

Incl. 3-51.

Register.

COPY.

Cherokee Freedmen
D-818 - D-874.

Muskogee, Indian Territory, December 12, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Ransom Daniels, et al., including the Commission's decision dated December 12, 1904, rejecting the applications for the enrollment of Ransom, NARRY, Maggie and Joseph Daniels, and Margaret, Beatrice, Ora O., George D. and Boulah Bell as Cherokee freedmen.

Respectfully,

(SIGNED) *Tama Bixby.*
Chairman,

Incl. 2-83.

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen
D-812-874.

Waskogee, Indian Territory, December 12, 1904.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated December 12, 1904, rejecting the applications for the enrollment of Ransom, Harry, Maggie and Joseph Daniels, and Margaret, Beatrice, Ora O., George B. and Beulah Bell as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED,

Tame Dixby,
Chairman.

Incl. 8-82.

Refer in reply
to the following:
Ladd,
87284-1904.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs.

Washington, December 22, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated December 12, 1904, transmitting the record of the application for the enrollment as Cherokee Freedmen by Ransom Daniels for himself and minor brothers and sisters, Harry, Maggie and Joseph Daniels; and by Margaret Bell for herself and minor children, Beatrice, Ord O., George D. and Beniah Bell.

December 12, 1904, the Commission decided adversely to all the applicants.

The record shows that all of the applicants have been born since 1867 and are descendants of and claim right to enrollment through one Harry Bell. It is further shown that the said Harry Bell was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that during the war he left the Cherokee Nation and did not return thereto until before February 11, 1867.

None of the applicants is identified on the 1860 authenticated Cherokee roll.

In view of the record the approval of the Commissioner's
decision adverse to the applicants is recommended.

Very respectfully,

A. C. Fenner

Acting Commissioner.

H. E. H.
W.

D. C. 1862-1905.
I. S. D. 12014-1904.

J. S.
F. S.

DEPARTMENT OF THE INTERIOR,

WASHINGTON,

January 9, 1905.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

It is requested that you furnish the Department with evidence of notice of your decision of December 12, 1904, rejecting the application for the enrollment of James Daniels et al., as Cherokee freedmen, as such evidence does not appear with the record. If notice has not been given it should be given at once.

Respectfully,

(Signed, H. S. Miller,
Acting Secretary.

COPY.

Cherokee Freedmen
D-612-274.

Muskogee, Indian Territory, January 18, 1906.

The Honorable,
The Secretary of the Interior.

Sir:

Referring to Departmental letter of January 7, 1906,
I. T. D. 12740-1904, there are herewith inclosed copies of the let-
ters of the Commission, dated December 12, 1904, inclosing to Ransom
Daniels, Margaret Bell, their attorney, Edgar Smith, and the At-
torneys for the Cherokee Nation copies of the Commission's decision
of that date rejecting the application for the enrollment of the
said Ransom Daniels and Margaret Bell et al., as Cherokee Freedmen,
together with return register receipt signed by the said Ransom
Daniels and Margaret Bell.

Respectfully,

SIGNED: *Tame Bibby*
Chairman.

Encl. 1-9.

Through the
Commissioner of Indian Affairs.

D. C. 8034-1905.
I.T.D. 12910-1904.
1236-1905.
L.RS.

Y.P.
PHE.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

February 13, 1905.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

December 12, 1904, you transmitted the record in the consolidated Cherokee freedman case of Ransom Daniels, et al. (D-812, D-874), including your decision of the same date, rejecting the applicants, Ransom, Harry, Maggie and Joseph Daniels, Margaret, Beatrice, Ord O., George D. and Beulah Bell.

Reporting in the matter December 22, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedmen
Office

Muskogee, Indian Territory, February 24, 1906.

Margaret Bell,

Hayden, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, dated December 12, 1904, rejecting, among others, the application for the enrollment of yourself, and your minor children, Beatrice, Ora O., George D., and Beulah Bell, as Cherokee freedmen, was affirmed by the Secretary of the Interior on February 15, 1906.

Respectfully,

SIGNED: *Tams Parby*
Chairman.

COPY.

Cherokee Freedmen
D-212-074.

Muskogee, Indian Territory, February 24, 1906.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated December 18, 1904, rejecting the applications for the enrollment of Hanson, Harry, Maggie, and Joseph Daniels; and Margaret Beatrice, Ord D., George D., and Beniah Bell, as Cherokee freedmen, was affirmed by the Secretary of the Interior on February 13, 1906.

Respectfully,

(SIGNED) *Tamas Bixby*
Cherokee

COPY.

Charliss Freeman
Doyle-574.

Muskogee, Indian Territory, February 24, 1906.

Edgar Smith,

Attorney for Ranson Daniels et al.,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated December 13, 1904, rejecting the applications for the enrollment of Ranson, Harry, Maggie, and Joseph Daniels; and Margaret, Beatrice, Ord O., George D., and Beulah Hall, as Cherokee freedmen, was affirmed by the Secretary of the Interior on February 13, 1906.

Respectfully,

(SIGNED).

Tama Bixby
Chairman.

COPY.

Cherokee Freedmen
D-412-874

Haskage, Indian Territory, February 24, 1906.

Dell, Hastings & Demorett,

Attorneys for the Cherokee Nation,

Haskage, Indian Territory.

Gen. Gann:

You are hereby advised that the Commission's decision, dated December 12, 1904, rejecting the applications for the enrollment of Kansen, Harry, Maggie, and Joseph Daniels; and Margaret, Beatrice, Ord O., George D., and Beniah Dell, as Cherokee freedmen, was affirmed by the Secretary of the Interior on February 12, 1905.

Respectfully,

SIGNED

Jame Birby.
Chairman

Cherokee Freedmen
N-761

Muskogee, Indian Territory, May 28, 1906.

Margaret Bell,
Hayden, Indian Territory.

Dear Madam:-

You are hereby advised that the motion filed by
your attorneys September 7, 1905, for a review in your Cherokee
freedman enrollment case, was dismissed by the Department
May 2, 1906.

Respectfully,

Commissioner.

LMC

Waukegon, Indian Territory, May 23, 1906.

Hine & Sulger,

Attorneys for Eliza A. Arnold, et al.,
Vinita, Indian Territory.

Dear Sirs:-

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions filed by you September 7, 1905 for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

Yours

Muskogee, Indian Territory, May 29, 1906.

Bell, Hastings & Davenport,

Attorneys for Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:-

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions by Blue & Bulger, filed September 7, 1905, for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

LMG

Cherokee Freedman D 874

20

IN RE

Application for Enrollment of
INFANT CHILD

Beulah Bell

as a citizen of

Cherokee

Nation.

Approved Jun 26 1901 190

T. B. Needles

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FILED JUN 26 1901

Tams Bixby
Acting Chairman.

**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

IN THE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Beulah Bell (Here insert name of child.), born on the 19 day of Jan, 1901
Name of Father: George Bell a citizen of the Cherokee Nation.
Name of Mother: Margaret Bell a citizen of the Cherokee Nation.
Postoffice: Hayden I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Northern DISTRICT. }

I, Margaret Bell, on oath state that I am 27
years of age and a citizen, by adoption, of the Cherokee Nation;
that I am the lawful wife of George Bell, who is a citizen, by
adoption, of the Cherokee Nation; that a Female (Male or Female.) child was
born to me on 19 day of Jan, 1901; that said child has been named
Beulah Bell, and is now living.

her
Margaret X Bell
mark

WITNESSES TO MARK:

(Must be Two Witnesses.) { Callis Warren
William S Madden

Subscribed and sworn to before me this 4 day of May, 1901.

(SEAL)

My Commission Expires March 25
1905 P. O. Hayden, I. T.

Wm Madden Jr.

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Northern DISTRICT. }

I, Rhoda Thompson, a Midwife, on oath state that I
attended on Mrs. Margaret Bell, wife of George Bell
on the 19 day of Jan, 1901; that there was born to her on said date a Female (Male or Female.)
child; that said child is now living and is said to have been named Beulah Bell

her
Rhoda X Thompson
mark

WITNESSES TO MARK:

(Must be Two Witnesses.) { Callis Warren
William S Madden

Subscribed and sworn to before me this 4 day of May, 1901.

(SEAL)

Wm Madden Jr.

Notary Public.

Cherokee Freedman D 874

20

IN RE
Application for Enrollment of
INFANT CHILD

Beatrice Bell

as a citizen of

Cherokee Nation.

Approved Jun 26 1901

T. B. Needles
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED Jun 26 1901

Tams Bixby

Acting Chairman.

**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

WHERE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Beatrice Bell, born on the 15 day of Sept, 1893,
(Here insert name of child.)
Name of Father: George Bell a citizen of the Cherokee Nation.
Name of Mother: Margaret Bell a citizen of the Cherokee Nation.
Postoffice Hayden I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Northern DISTRICT. }

I, Margaret Bell, on oath state that I am 27
years of age and a citizen, by adoption, of the Cherokee Nation;
that I am the lawful wife of George Bell, who is a citizen, by
adoption, of the Cherokee Nation; that a Female child was
(Male or Female.)
born to me on 15 day of Sept, 1893; that said child has been named
Beatrice Bell, and is now living.

her
Margaret x Bell
mark

WITNESSES TO MARK:

(Must be Two Witnesses) { Callis Warren
William S. Madden

Subscribed and sworn to before me this 4 day of May, 1901.

(SEAL)

Wm Madden Jr.
Notary Public.

My Commission Expires March
25, 1905. P. O. Hayden, I. T.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Northern DISTRICT. }

I, Mariah Hayden, a midwife, on oath state that I
attended on Mrs. Margret Bell, wife of George Bell
on the 15 day of Sept, 1893; that there was born to her on said date a Female
(Male or Female.)
child; that said child is now living and is said to have been named Beatrice Bell

her
Mariah x Hayden
mark

WITNESSES TO MARK:

(Must be Two Witnesses) { Callis Warren
William S. Madden

Subscribed and sworn to before me this 4 day of May, 1901.

(SEAL)

Wm Madden Jr.
Notary Public.

Cherokee Freedmen D 874

IN RE

Application for Enrollment of
INFANT CHILD

George D Bell

as a citizen of

Cherokee Nation.

Approved Jun 26 1901 190

T. B. Needles

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED JUN 26 1901

Tams Bixby
Acting Chairman.

**DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.**

HERE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of George D. Bell (Here insert name of child.) born on the 16 day of Jan, 1898
Name of Father: George Bell a citizen of the Cherokee Nation.
Name of Mother: Margaret Bell a citizen of the Cherokee Nation.
Postoffice: Hayden I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Northern DISTRICT. }

I, Margaret Bell, on oath state that I am 27
years of age and a citizen, by adoption of the Cherokee Nation;
that I am the lawful wife of George Bell, who is a citizen, by
adoption of the Cherokee Nation; that a Male child was
(Male or Female.)
born to me on 16 day of Jan, 1898; that said child has been named
George Bell, and is now living.

her
Margaret X Bell
mark

WITNESSES TO MARK:
(Must be Two Witnesses.) { Callis Warren
William S. Madden

Subscribed and sworn to before me this 4 day of May, 1901.
(SEAL)

My Commission Expires March 25, Wm Madden Jr.
1905 P. O. Hayden I. T. Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Northern DISTRICT. }

I, Rhoda Thompson, a Midwife, on oath state that I
attended on Mrs. Margaret Bell, wife of George Bell
on the 16 day of Jan, 1898; that there was born to her on said date a Male
(Male or Female.)
child; that said child is now living and is said to have been named George Bell

her
Rhoda X Thompson
mark

WITNESSES TO MARK:
(Must be Two Witnesses.) { Callis Warren
William S Madden

Subscribed and sworn to before me this 4 day of May, 1901.

(SEAL)

Wm Madden Jr.
Notary Public.

Cherokee Freedman D 874

20

F29 8 74

IN RE

Application for Enrollment of
INFANT CHILD

Ord O Bell

as a citizen of

Cherokee

Nation.

Approved Jul 8 1901 190

C. R. Breckinridge

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FILED JUL 8 1901

Tams Bixby
Acting Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Ord O. Bell, born on the 2 day of Oct, 1895
Name of Father: George Bell a citizen of the Cherokee Nation.
Name of Mother: Margaret Bell a citizen of the Cherokee Nation.
Postoffice: Hayden I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Northern DISTRICT. }

I, Margaret Bell, on oath state that I am 27
years of age and a citizen, by adoption, of the Cherokee Nation;
that I am the lawful wife of George Bell, who is a citizen, by
adoption, of the Cherokee Nation; that a Male child was
born to me on 2 day of Oct, 1895; that said child has been named
Ord O. Bell, and is now living.

Witnessed by her
Margaret X Bell
mark

WITNESSES TO MARK:
(Must be Two Witnesses.) { Callis Warren
William S. Madden

Subscribed and sworn to before me this 4 day of May, 1901

(SEAL) Wm Madden Jr.,
My Commissioner Expires March 25, 1906 P. O. Hayden, I. T. Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Northern DISTRICT. }

I, Mariah Hayden, a Midwife, on oath state that I
attended on Mrs. Margaret Bell, wife of George Bell
on the 2 day of Oct, 1895; that there was born to her on said date a Male
child; that said child is now living and is said to have been named
Ord O. Bell

Witnessed by her
Mariah X Hayden
mark

WITNESSES TO MARK:
(Must be Two Witnesses.) { Callis Warren
William S. Madden

Subscribed and sworn to before me this 4 day of May, 1901

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5287

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 26 1901

[Signature]

ACTING CHAIRMAN

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CHEROKEE FREEDMEN.

Date JUN 26 1901
Post Office Hayden St.
District Kos

1. Name ~~George Bell~~ Age 41
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents: ~~Doubtful~~
Father _____ Citizenship _____
Mother _____ Citizenship _____

Name of wife Margaret Bell Age 27
Owner's name _____ Citizenship _____
Year K.C. Page 183 No. 4491 District _____

Parents:
Father Harry Daniels - ~~Dead~~ Citizenship Cher. Freed
Mother Adahie " " Citizenship _____

Names of Children:

- | | | | | | | |
|----|---------------|------------|------------|-----------|-------------|---|
| 2 | Beatrice Bell | Year _____ | Page _____ | No. _____ | Dist. _____ | 7 |
| 3 | Orl O | Year _____ | Page _____ | No. _____ | Dist. _____ | 7 |
| 4 | George S. | Year _____ | Page _____ | No. _____ | Dist. _____ | 7 |
| 5 | Bulah | Year _____ | Page _____ | No. _____ | Dist. _____ | 7 |
| 7 | | Year _____ | Page _____ | No. _____ | Dist. _____ | |
| 8 | | Year _____ | Page _____ | No. _____ | Dist. _____ | |
| 9 | | Year _____ | Page _____ | No. _____ | Dist. _____ | |
| 10 | | Year _____ | Page _____ | No. _____ | Dist. _____ | |
| 11 | | Year _____ | Page _____ | No. _____ | Dist. _____ | |
| 13 | | Year _____ | Page _____ | No. _____ | Dist. _____ | |

Application made by Geo. Bell Stenographer B.C. Jones

1 On K.C. rolls as Margaret Daniels
2, 3, 4 and 5 - Birth affidavits to be supplied.
Do not supply marriage of parents of parents of #1
#1 to be supplied

X P. J. D. S. / 2
Represented by Mellett and Smith.

LIBRARY OF THE
U. S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MAR 22 1902

[Signature]
ACTING CHIEF

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,
from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Margaret Bell,

Hayden, I. T.

Cherokee-F-D-874.

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cher. Fr. R. 762

Trans. from Fr. D. 92

Cher. Fr. R. 762

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
APR 18 1901

[Handwritten signature]

ACTING CHAIRMAN

[Large handwritten signature]
JAMES R. HAY, 1901

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., April 17, 1901.

In the matter of the application of Martha Gales for the enrollment of herself and two orphan children as Cherokee Freedmen.
Martha Gales, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Martha Gales.
Q How old are you? A I am about 55.
Q What is your post office? A Muskogee.
Q What district do you live in? A Canadian district.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Did you ever apply to be enrolled as a freedman of any other nation? A No, sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A I tried to be but I don't think I am.
Q Is your name on the roll of 1880? A I think not; it is on two rolls.
Q Who do you desire to enroll besides yourself? A My sister.
Q How old is your sister? A She is about 42.
Q Will she must appear for herself; have you any children under 21 years of age? A I have got two adopted children.
Q Are they Cherokee Freedman? A Yes, sir. (exhibiting paper.)
Q Osie Taylor and William Taylor? A Yes, sir.
Q How old is Osie? A Going on 13 years old.
Q And Willie? A Going on 10.
Q What is the name of these children's father? A Henry Taylor.
Q Is he living? A Yes, sir.
Q Is he a citizen? A I don't know; he is a Cherokee citizen, yes, sir.
Q A Freedman? A Yes, sir.
Q What is the name of their mother? A Fannie Taylor.
Q Is she living? A No, sir, she is dead.
Q Was she a citizen? A Yes, sir, she is old uncle Martin Vann's daughter.
Q Her maiden name was Vann was it? A Yes, sir.
The 1880 authenticated roll of Cherokee Freedmen examined and the applicant Martha Gales not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicant Martha Gales not identified thereon.)
The Kerns-Clifton pay-roll examined and the applicant, Martha Gales, identified thereon, page 109, No. 3736, Tahlequah district, as Mattie Gales.
Q Your proper name is Martha? A Yes, sir, it is on Mr. Wallace's roll that way.
Osie Taylor on Kerns-Clifton roll, page 109, No. 3737, Tahlequah district;
William Taylor on page 109, No. 3736, Tahlequah district, as Willie Taylor.
Q Is his name Willie? A Willie or William.
Q You don't know whether these children's mother is on the roll of 1880 or not? A She is on the roll, I always heard she was on the roll.
Mr. W.W. Hastings, attorney for Cherokee Nation: You applied for these children before the Kerns-Clifton Commission, didn't you?
A Yes, sir.
Q You never claimed then their mother was on the 1880 roll?
A Their father always told me she was on the 1880 roll; maybe she is there as Fannie Grape.
The 1880 authenticated roll of Cherokee Freedmen examined, and the name of Fannie Grape found thereon, page 516, No. 470, Illinois district.

Martha Gales - 2.

- ~~Q What is your name?~~ Are you married? A Yes, sir.
- Q What is your husband's name? A Charles Gales.
- Q Were you ever married before? A Yes, sir.
- Q What was your husband's name before? A Henderson.
- Q Was he a citizen? A No, sir.
- Q Were you ever married before that? A No, sir.
- Q What was your father's name? A Charley Thompson, a Cherokee by blood.
- Q What was your mother's name? A Fobbie Brown.
- Q Was she a colored woman? A Yes, sir.
- Q Was she a slave? A Yes, sir.
- Q How long has she been dead? A She has been dead for years, I can't tell you.
- Q Were you a slave? A Yes, sir.
- Q What was your owner's name? A The old judge was named Jim Brown, judge of Sequoyah district.
- Q A Cherokee by blood? A Cherokee by blood.
- Q Where were you at the beginning of the war between the United States and the confederacy? A With these people, on Judge Brown's place.
- Q Where were you at the close of the war? A I was in Fort Scott, Kansas.
- Q You were taken out? A Yes, sir, by the old judge himself, he died on the way.
- Q When did you return to the Cherokee Nation? A I returned in 1866.
- Q Where did you return to? A I came to Fort Gibson here.
- Q You have been living here ever since? A No, sir, I haven't.
- Q Where have you lived since? A I have lived in the Cherokee Nation and in Vinita, and in the Creek Nation.
- Q Have you lived in any of the states? A Only at Fort Scott is the only place I lived in the states.
- Q After you returned in 1866? A After I returned in 1866 I stayed about a year and went away to visit my mother, and came back and has been here ever since.
- Q When did you live in Fort Scott? A At the time of the war; we went from here in 1863.
- Q Did you ever live in Fort Scott after 1866? A Only on a visit, just only to visit.
- Q Never made it a residence? A Never made it my permanent home.
- Q Never made your home in any other state, Kansas or Missouri or Texas? A No, sir.
- Q How long did you visit up in Fort Scott when you went back after 1866? A I can't tell you how long.
- A A year? A I can't tell you that.
- Q Five years? A I can't tell you that.
- Q Ten years? A I can't tell that; actually I wasn't able; I can't read and write, I can't read the dates.
- Q Have you been there ever since? A No, sir.
- Q About how many years, to your best judgment, that is all I want to know, were you up in Fort Scott, Kansas, after you went back after 1866? A Well I can't say, I just went on a visit, that is all.
- Q About how long did you stay on a visit, how many years? A About three I reckon.
- Q Did you ever go up there any other time except that one time? A No, sir, I don't think I did.
- Q Don't you know? A No, I wasn't; that is after I had been down here.
- Q Where were you married? A I was married between here and over there to Vinita.
- Q Have you got any children? A No, sir, only these two adopted children.
- Q Who did you come back with in 1866? A Came back with uncle Billy

Martha Gales - 3.

Brown.

- Q You came to Fort Gibson? A Yes, sir.
Q Are you any kin to Mike Fields? A His wife is my sister.
Q He would know when you came back, wouldn't he? A Yes, sir.
Q That is that old gentlemen up here just now? A Yes, sir.
Q Who did you first work for, what did you first do when you came back in 1866? A I didn't work for anybody, I stayed with my uncle, William Brown, and Pomp and Susan, and Mary Brown, that was his wife.
Q You say uncle Mike Fields would know when you came back?
A Yes, sir.
Commissioner Needles: When you went to Kansas to visit, to Fort Scott, were you married? A Yes, sir.
Q What was your husband's name then? A Henderson.
Q You were married then? A Yes, sir.
Q Did you and Henderson keep house up there? A No, sir, we didn't stay a very long time.
Q You said it was about three years? A No, sir, I wasn't living with him, we were parted; we separated.
Q Now have you got any witnesses? A Mr. Benge and Mike Fields.

S. H. Benge, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A S. H. Benge.
Q What is your age? A 69 years old.
Q What is your post office? A Fort Gibson.
Q Are you a Cherokee citizen? A Yes, sir.
Q By blood? A Yes, sir, by blood.
Q Do you know Martha Gales? A Yes, sir.
Q Did you know her during the war between the states? A I knew her a good while before the war, I knew her ever since she was a little girl; she belonged to old Jim Brown, along on Heads Creek.
Q Where was she in the year 1866? A She was in Fort Scott; I happened to be one of the delegates who made the treaty of 1866, and on our way home the delegates came by the way of Fort Scott, and I found her with her people there in Fort Scott. I advised them to come home, told them the treaty had been made and promulgated, and it gave them six months time, and in November, I think in November, 1866, I came to Fort Gibson; I found Billy Brown and her here.
Q You found her here in November, 1866? A Yes, sir.
Mr. Hastings: How far did you live from here before the war?
A About twelve miles.
Q Do you remember seeing her in Fort Scott, Kansas? A Yes, sir.
Q Talked to her? A Yes, sir, her mother and the whole family of them.
Q You say you saw her here in the fall of 1866? A Yes, sir.
Q You remember talking to her then? A Yes, sir, Billy Brown was running a barber shop, and she was around the shop.
Q She herself was here? A Yes, sir, she was here.
Q You remember seeing her personally? A Yes, sir.
Q What circumstances do you fix that by, that you happened to see her? A I happened to go into the barber shop where Billy Brown was.
Q Did she stay in the shop? A She was there with him in the shop, and I saw Billy Brown.

Mike Fields, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Mike Fields.
Q What is your age? A 60.

Martha Gales - 2.

- Q What is your post office address? A Braggs Station.
- Q Are you a Cherokee Freedman? A Yes, sir.
- Q Recognized as such by the Cherokee Nation? A Yes, sir.
- Q Is your name on the roll of 1880? A Yes, sir.
- Q Do you know Martha Gales? A Yes, sir.
- Q Did you know her during the war between the United States and the Confederacy? A Yes, sir.
- Q Where was she during the year 1866; of your own knowledge? A In 1866 she was in Kansas at the time.
- Q Do you know whether she was in the Cherokee Nation during the year 1866 or not? A I don't know exactly, but at the time that Mr. Benge says that he went there, he tells us that the way was been opened, to come and we had better come and if we could come and get places and go back and secure our crops.
- Q Did Martha Gales come with you? A No, sir, she didn't come with me, she came by herself I reckon.
- Q After you? A Yes, sir.
- Q What time did you come? A I came here home in 1867, but we came in 1866; we came on with Mr. Benge part of the way and then we went up on Big Creek and built a house there and then cut logs for another house and then went back to secure my crops.
- Q And then came back afterwards? A Yes, sir, and came down in 1867.
- Q You don't know when Martha came? A No, sir, she had come while I was on Big Creek, a parcel of them came on with Mr. Benge and behind him when he came back, William P. Ross and John Ross and Bob Daniels.
- Mr. Hastings: You testified in this case five years ago, didn't you?
- A Yes, sir, I think I did.
- Q You testified then that the first time you saw her in the Cherokee Nation was in 1867? A Yes, sir, it was in 1867; I heard she had come down while I was building up on Big Creek.
- Q Did you tell that before? A You didn't ask me that then.
- Q You didn't tell that then? A No, sir.
- QQ You testified before the first time you saw her here was in the spring of 1867? A I did.

Martha Gales, recalled, testified as follows:

- Commissioner Needles: Are these children, Ocie and Willie Taylor, are they living? A Yes, sir.
- Q Where are they living? A With me.
- Q Where? A In Canadian district.
- Q They were born and raised in the Cherokee Nation? A Yes, sir.
- Q Always lived here? A Yes, sir.

Commissioner Needles: Martha Gales applies for the enrollment of herself as a Cherokee Freedman. Her name can't be found upon the authenticated roll of 1880 or the census roll of 1896. Her name is found on the Kerns-Clifton roll. By reason of the fact that her name is not found on the authenticated roll of 1880, although the Commission is fully satisfied that she is entitled to be enrolled as a Cherokee Freedman, final judgment as to her enrollment will be suspended, because of the protest of the Cherokee Nation upon legal points and questions of fact, and her name will be placed upon a doubtful card.

The applicant applies for the enrollment of Ocie and William Taylor. Their names are not found upon the census roll of 1896, but are found on the Kerns-Clifton roll. They are fully identified as the children of Fannie Taylor, and Fannie Taylor's name is found upon the authenticated roll of 1880

Martha Gale - 5.

as Fannie Gale, and she is fully identified as the Fannie Taylor who is the mother of said children. Satisfactory proof has been made as to her identity, and consequently both Taylor and William Taylor will be listed for enrollment as Cherokee Freedmen.

Brace S. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Brace S. Jones
Sworn to and subscribed before me this 12th day of April, 1901.



Commissioner.

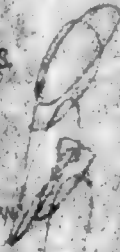
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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE INCULCATED TRIBES

FILED IN

OCT 14 1894

ACTING CHAIRMAN



NEW YORK

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 5th 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Martha Sales, G. F. D. #92.

APPEARANCES:

James S. Davenport for the Cherokee Nation.
Lewis T. Brown, agent for the applicants.

SIMON MCKINZIE, being first duly sworn before Com'r T. B. Needles, testified as follows on behalf of the Cherokee Nation:

(By Mr. Davenport)

- Q What is your name? A Simon McKinsie.
Q Where do you live? A Six miles of Pryor Creek.
Q How long have you lived in the Cherokee Nation? A All my life.
Q How old are you? A 59.
Q Were you out of the country during the war? A Yes sir I was out during the war.
Q Did you ever move to Fort Scott Kansas? A Yes sir.
Q What time did you live there? A I lived there until-in '65, '6 and '7 and in the spring of '68.
Q Then you lived there from '65 to '68? A Yes sir.
Q Did you get acquainted with some colored people there, Mattie or Martha and Ed Henderson? A Yes sir.
Q Were they living there as man and wife? A Yes sir, and running a barber shop.
Q Were they running a barber shop there when you left there? A Yes sir.
Q Have you ever seen Henderson or his wife since that time? A No sir.

(By L. T. Brown)

- Q Who was running a barber shop, Henderson or Martha Sales? A Henderson and Martha both, part of the time she would work there, I got shaved a time or two by her.
Q When was it that you got shaved by her? A In '68 or '5.
Q What month? A I don't know.
Q What time of the year? A In the fall I think.
Q How many times did she shave you? A Once or twice.
Q And you remember getting shaved twice in the fall of '68? A Yes, because she shaved me.
Q Where is Henderson now? A I don't know.
Q Where did you last see him? A Fort Scott.
Q Did you know Martha before the war? A No sir.
Q When did you first see her? A There in Fort Scott.
Q When did you next see her, since you came here? A Never have seen her since.
Q Where was Martha Sales on November 1866? A I knew her as Martha Henderson.
Q Well, where was Martha Henderson in November, '66? A In Fort Scott.
Q All the month of November she was in Fort Scott was she? A Yes sir I think so.
Q Where was she in December, '66? A I don't know, I guess she was there.

(Continued by stenographer James S. Davenport.)

Chas. von Feise, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 5th of October, 1901.

Chas von Feise

Commissioner.

Martha Gales et al. continued from testimony taken by Chas. von Weise.

WILLIAM SEXTON, being duly sworn by Commissioner Needles, testified as follows:

Mr. Deavenport: What is your name? A William Sexton.

Q How old are you? A I am 54 years old.

Q Where do you live? A Fort Scott, Kansas.

Q How long have you lived in Fort Scott, Kansas? A I have lived in Fort Scott, Kansas, since '69.

Q Since you have been living in Fort Scott, Kansas, did you get acquainted with some colored people up there by the name of Martha and Ed Henderson? A I did.

Q What were they doing when you got acquainted with them, Mr. Sexton? A I think Mr. Henderson was running a little barber shop.

Q In the town of Fort Scott? A In the town of Fort Scott.

Q Well, do you know whether or not Henderson is living yet? A He is not.

Q Do you know about what time he died? A I don't know exactly at the date, he has been dead some six or eight months I suppose.

Q Did he and his wife continue to live together up to the time of his death, or did they separate? A They separated.

Q Well, after their separation, do you know whether or not his wife married again? A She did.

Q Do you know to whom she was married? A She married a gentleman by the name of Mr. Gage.

Q Do you know what his first name was? A I don't.

Q Do you know where she and Gales were married? A They were married in Fort Scott, if I mistake not.

Q Fort Scott, Kansas? A Fort Scott, Kansas.

Q That was Gales' occupation at the time they were married, do you know? A He was porter on the M.K. & T. railroad.

Q Running on the train? A Running on the train.

Q Well, do you know when, or about what year, that Martha Henderson or Martha Gales moved away from Fort Scott and left Fort Scott?

Q I don't recollect what time they did leave Fort Scott.

Q Well, you say that she and Henderson were living together when you went there in '69? A Yes, sir.

Q They afterwards separated? A Afterwards they separated.

Q Then she and Gales married? A Yes, sir.

Q With reference to the time she and Gales were married when did she leave Fort Scott, do you, about how long? A Well, they didn't remain there any time at all, they left there immediately.

Q Have you ever seen Martha Henderson or Martha Gales since she and Gales were married? A I have never seen her since.

Q You know where they have been living? A No, sir.

Q Know whether or not she and Henderson have any children? A No, sir, I don't.

Q Do you know who her reputed mother or father was before she was married, what her maiden name was before she married Henderson, have any information from her or anyone? A No, sir, I have not.

By L. T. Brown: Mr. Sexton, you don't know where Martha Gales was in November, 1868, do you? A No, sir, I don't know.

Q You say that she was married to Charley Gales in Fort Scott, Kansas? A I think that if I mistake not that they were married in Fort Scott, Kansas.

Q Were you at the wedding? A No, sir, I wasn't I don't think.

Q All you know about their being married in Fort Scott, Kansas, is hearsay? A No, sir, I wasn't at the wedding.

Q You say soon after her marriage they went away from there? A They left very soon.

Q Do you know where they went? A No, I don't know.

Q Did you ever hear where they went? A I have heard where they

went, I heard they came down to the Nation.

Q You never knew her till '69? A Not till '69.

Q And you know her up till her marriage to Charley Gales? A Yes, sir.

Q And soon after that she left? A Yes, sir, she left.

JOHN FORBES, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A John Forbes.

Q How old are you? A 58.

Q Where do you live? A Fort Scott, Kansas.

Q How long have you lived at Fort Scott, Kansas? A 33 years.

Q Since you have been living at Fort Scott, Kansas, did you get acquainted with some colored people there named Ed and Mattie Henderson? A I was acquainted, I knew Mat Henderson for about 8 or 9 years, I knew Ed Henderson for 32 years.

Q Now about when did you get acquainted first with Mattie Henderson, about what year? A In '69.

Q Was she and her husband, Ed Henderson, living together at that time? A Yes, sir.

Q Do you know what Ed Henderson's business was? A He was a barber.

Q Was he engaged in the barber business in Fort Scott, or do you know? A Yes, sir.

Q Did they live together up to the time of Henderson's death, or did they separate? A No, sir, Mr. Henderson died in the penitentiary about three years ago, State of Kansas.

Q Well, was he and Mattie living together, I mean had they separated or were they living together at the time? A Up to his death?

Q Yes? A No.

Q Do you know whether or not Mattie married again after she separated from Henderson? A I don't know that she did, but I heard so.

Q You don't know, you were not present at the wedding? A No, sir.

Q Who did you hear she married? A A man by the name of Gales I think.

Q Do you know when he moved away from Fort Scott, about what year?

A It must be after the year '78 or '9, '79 probably, it must be after that time.

Q Do you know of your own knowledge whether or not she owned any property in Fort Scott? A Yes, sir.

By L. F. Brown: You say you have been living in Fort Scott about 33 years? A Yes, sir.

Q And you went there about '68? A '69; I went there in '68, yes.

Q Well, where was Martha Gales in November, '68? A I can't tell that.

Q You know where she was in '67 or '8? A I don't think I know.

Q How do you remember that you saw her for the first time in '69?

A Because I got acquainted with Ed and Henderson about that time.

Q I thought you testified a while ago that you knew him 33 or '4 years? A Well I said 30 years I think, that is what I intended to say if I didn't say it.

Q What makes you remember you got acquainted with Henderson about that length of time? A Mr. Henderson at that time was a prominent barber at that time.

Q That is the reason you remember it, is it? A Yes, sir.

Q Now do you know Henry Hawkins? A I used to know a man named Henry Hawkins.

Q You live in Fort Scott now? A Yes, sir.

Q You know a barber there named Henry Hawkins? A I don't know any barber there, that is I don't know Henry Hawkins by that name?

Q Do you know a barber named Henry Hall? A Yes, sir.

Q When did you first get acquainted with him? A I think I knew Henry Hall for oh probably 15 years.

Q What year did you become acquainted with him? A Sometime in '78

or '9, somewhere along about there, I don't know exactly.

Q About fifteen years ago? A Yes.

Q Now then you say Martha Henderson and her husband Ed Henderson separated? A I think they did, yes that was the report.

Q Did ~~they~~ continue to remain in Fort Scott after the separation?

A Yes, sir.

Q Where did Martha Gales go? A I don't know.

Q Did you see her around there after the separation at all? A I think I did,

Q For about how long? A I can't tell you that.

Q About how long; estimate it? A Oh, two or three years probably.

Q When did you see Martha Gales for the last time? A I can't tell you.

Q You have no idea? A No, sir.

Q You say you knew them from '69 for about 7 or 8 years? A Yes, sir, eight or nine years probably, and I think probably more than that, but I will not be positive about that.

THOMAS LAHAY, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A Thomas Lahay.

Q Where do you live? A Fort Scott, Kansas.

Q How old are you? A 51.

Q How long have you lived in Fort Scott, Kansas? A Well, I have lived in that county since '70, but I have been right in the city since '82.

Q You deal in real estate some do you in that county? A Yes, sir.

Q Did you ever know a colored woman by the name of Martha Gales, that is, personally acquainted with her? A I never had no particular dealings with her to my knowledge, but I knew her by reputation like.

Q Do you know whether or not she owned any property in the City of Fort Scott?

L. T. Brown: The agent for the applicant objects to this question for the reason that if she did, it is a matter of record, and the record is the best evidence.

Commissioner: It makes no difference whether she owned property or not, let him answer the question.

A She did own a piece, and I got the property for taxes, it was abandoned and sold by the county for taxes and I bought it and have it to-day, own it now.

By L. T. Brown: When did you see Martha Gales for the last time?

A I don't know that I ever did see her positive, I have an idea I have seen her but I am not positive.

Q What makes you have an idea you did? A It strikes me I have seen her.

Q What makes it strike you that way? A I was well acquainted with Ed Henderson.

Q You haven't been asked anything about Ed Henderson. A No, but I am going to tell you why I think I know Martha Gales; I saw a woman that I supposed to be Ed's wife, kind of a heavy set woman, and I thought afterwards that that was Mattie Gales, but of course I may be mistaken.

Mr. Davenport:

I want a reference to No. D-23, Susan Brown.

Commissioner: The reference will be made.

-5-
Bruce G. Jones, being duly sworn, says that as stenographer to the commission to the five civil cases he has correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 12th of October, 1901.



Commissioner.

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DEPARTMENT OF ROSSIMWOD
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Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 5, 1901.

In the matter of the application of Martha Gales for enrollment as a Cherokee Freedman.

Additional testimony on behalf of the applicant.

Appearances;

L. T. Brown, agent for applicant;
J. S. Davenport, of counsel for Cherokee Nation.

Mr. Davenport: The representatives of the Cherokee Nation desire to know whether this testimony is in rebuttal of any testimony that has been offered by the Nation.

L. T. Brown: Agent for the applicant desires to state that no testimony has been offered in rebuttal by the Cherokee Nation, and that the case of Martha Gales has never been closed.

Commissioner: There is no testimony on the part of the Cherokee Nation at all.

POMP THOMPSON, being duly sworn by Commissioner Needles, testified as follows:

By L. T. Brown: State your name? A Pomp Thompson.

Q What is your age? A I will be 64 years old the next March.

Q Your residence? A Brags.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Does your name appear upon the authenticated roll of 1880? A Yes, sir.

Q Do you know the applicant, Martha Gales? A Yes, sir.

Q To whom did she belong at the beginning of the war? A To old man George Brown.

Q Is old man George Brown a citizen of the Cherokee Nation by blood? A Yes, sir.

Q Do you know whether or not Martha Gales went out of the Cherokee Nation during the war? A Yes, sir, she went out.

Q When did you see her for the first time after the close of the Civil War? A '66, 1866, at Fort Gibson.

Mr. Davenport: How old was she when the war broke out, Pomp? A I can't say exactly her age, we lived quite a distance apart.

Q Where were you living when the war broke out? A I was at old man George Brown's and I saw her there.

Q Were you living at George Brown's at the beginning of the war?

A No, sir, I was living on Illinois, in Illinois district.

Q Who were you living with? A At that time, I was living with old lady Brown.

Q George Brown's wife? A Yes, sir, had been his wife.

Q That is Mrs. Seabolt now? A Yes, sir, his first wife.

Q Where were you living with her, if you were living with her, at the time the war broke out? A No, sir; at the time the war broke out I was living with Alex Thompson.

Q Where were you living with reference to where this applicant lived when the war broke out? A I was living on Illinois.

Q Where did she live? A With old George Brown on Lees Creek in Sequoyah district.

Q How far from where you were living to where she was living? A 45 miles and maybe more.

Q How old were you when the war broke out? A I was about 22, somewhere in there.

Q Was George Brown living when the war broke out? A No, sir, I don't believe he was, I am not positive.

Q Did George Brown's family own any slaves when the war broke out?

A Well they were bound to own slaves.

Q I am not asking you what they were bound to, do you know of

your own knowledge they did? A Yes, sir, the family.

Q What family had George Brown when the war broke out? A Well I don't know whether he had any of them or not a living at that time.

Q Did he have any children living at that time? A I don't know, Bob Brown I believe was his, I am not quite certain, you see we was a distance apart.

Q Do you know whether or not there was a single member of George Brown's family living at the time ~~the~~ the war broke out of your own knowledge? Q Well I don't know whether they were his children or not, but there was John Brown, who is living now.

Q Do you know whether or not John Brown is a relative of George Brown that you claim this applicant belonged to at the time the war broke out? A Yes, sir, he is a relative.

Q But you don't know the relation? A Of old man Brown, he is one of them.

Q You never knew old man Brown before the war, George Brown?

A Yes, sir, but it was some time before the war when I saw him.

Q Know if he died several years before the war broke out? A I don't know whether he did or not, we didn't pass back and travel around but I knew him because he used to live with my mistress, that was his first wife.

Q Your mistress and George Brown never lived together in the Cherokee Nation as man and wife? A No, sir.

Q They separated on the way from the old territory over here?

A That is right.

Q And they never lived anyways near each other from that time until their death? A No, sir, they made a separation among the freedmen.

Q Mrs. Brown, your mistress, took the freedmen as they came from there? A Yes, sir, she took hers and George built over there and settled on Lees Creek about fifty miles away.

Q Mrs. Brown herself was living in Missouri when the war broke out?

Q No, sir, she was dead.

Q She lived in Missouri a while before her death? A Not to my knowing, never did, I am satisfied she didn't.

Q Well, what time of the year was it in '66 you saw this applicant, spring or summer? A Well, it was in the spring.

Q You know S. H. Benge? A Yes, sir.

Q Well, did you see her the same time he did? A I don't know whether I saw her the same time he did.

Q You saw her in the spring? A Yes, sir, it was in the summer season of the year.

Q When you saw her at Fort Gibson it was in the summer season; was that before or after the treaty was made? A It was after the treaty was made, Benge is the man I believe, if I mistake not, that notified a whole lot of them to come here.

Q They came the following year after Benge came here from Washington? A Well, I don't know about that.

Q How old were you at that time? A I reckon I must have been, I can't tell, I didn't have my age down.

Q About how old? A I reckon I must have been 30 or 35, some where along there close.

Q When did you next see her after you saw her in Fort Gibson?

A I saw her in '67, me and her made a trip together down to Webbers Falls.

Q Do you know where she is living now? A Yes, sir.

Q Where? A In Canadian district.

Q Near whose place? A Near Brushy Mountain, there is several places around in there around where she lives.

Q You know where Rube Evans lives over on Brushy Mountain? A Yes, sir, his old place.

A She was not far from his place? A Not so close as others.

Q Who else is nearby? A Well, there is several Cherokees, Loney

Hammond and Junie Smith and there is several others, Tom McDonald, he had a place right close to her.

By L. T. Brown: You say you and Martha Gales made a trip from Fort Gibson to Webbers Falls in the spring of '87? A Yes, sir.

Q Who else was along on that trip? A Pomp Brown and Henry Soales.

Mr. Davenport: You say relation to Pomp Brown? A Yes, sir.

Commissioner: Have you known this girl Martha Gales continuously since '88? A Yes, sir.

Q Has she lived in the Cherokee Nation all this time, ever since '88 up to the present time? A Well, I saw her you know in '88 at Fort Gibson, and then of course she came back up this way, I don't know where she went to, up this way north of us, and then in '87, she was there at Fort Gibson, and came to my house on Greenleaf and she wanted me to go down with her --

Q Did you meet her in '88? A Well, she was alive I guess.

Q Have you known her continuously? A Yes, sir, been knowing her all along.

Q Here in the Cherokee Nation? A Yes, sir.

Q She is alive now? A Yes, sir.

Q She is no relation to you, is she? A Yes, sir.

Q What is it? A Cousins, second cousins.

Mr. Davenport: Martha lives in Muskogee now? A No, sir.

Q How long since she ~~lived~~ moved out to Muskogee? A It has been, she has been moved out of there several years, I know when she moved out and know when she lived in there and know her where she is living now.

~~XXXXXXXXXXXX~~

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he corp dily recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 10th of October, 1901.



Commissioner.

Chattanooga, Tenn.

Enclosed for you to please

January 30, 1905.

Dear Sir,

Enclosed is a list of the names of the persons who have been
admitted to the office and have been given the right to
exercise the same. The names of the persons who have been
admitted to the office are as follows:

COMMUNICATIONS

1. Mr. J. H. ...
2. Mr. ...
3. Mr. ...
4. Mr. ...
5. Mr. ...
6. Mr. ...
7. Mr. ...
8. Mr. ...
9. Mr. ...
10. Mr. ...
11. Mr. ...
12. Mr. ...
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99. Mr. ...
100. Mr. ...

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., February 17, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the applications for enrollment of MERTHA GALES and SUSAN BROWN as citizens, freedmen, of the Cherokee Nation:

Appearances:

L. T. Brown, Agent for applicants;
Mr. Hastings, of Counsel for Cherokee Nation.

LIZZIE DAVIS, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HASTINGS:

- Q What is your name? A Lizzie Davis.
Q What is your age, Mrs. Davis? A 57.
Q Where do you live? A For Scott, Kansas.
Q How long have you lived there? A I have lived there since the fall of '63.
Q You live there yet? A Yes, sir.
Q Did you know a colored woman there by the name of Ibbie Brown?
A Yes, sir.
Q Did you know some daughters that she had? A Yes, sir.
Q Do you remember their names? A She had one named Martha and one Mary and one Susan.
Q When did you learn to know this colored woman and her daughters?
A I knew them right away after I went there in the summer of '63. They came from the Nation and I came from the Nation and we kinda swarmed together as the saying is.
Q Because you were from the same country? A Yes, sir.
Q You knew after that they came from the Cherokee Nation?
A Yes, sir, I knew their owners, my mother did; of course, I was small then, but my mother was acquainted with their owners.
Q Now, how long did you know of Martha and Gusie the children of Ibbie Brown? A It must have been ten years, I knew them, because they stayed there a long time. I don't think they left there until the year '74 or '75.
Q Well, did you see them frequently? A I saw them all the time; Martha was in the barber shop with her husband, named Henderson; she married a man by the name of Henderson.
Q What became of Henderson? A He is there yet.
Q Did she separate from him? A Yes, sir.
Q Well, do you know who she married married? A Married a man by the name of Charley Gales.
Q Did she and Gales leave there together? A Yes, sir.
Q You knew them for ten or more years? A Yes, sir, somewhere along there; they were there because she was a hair dresser; he kept a barber shop and she dressed hair, -dressed my hair frequently.
Q You knew her sister just as well? A Yes, sir.
Q Did she marry up there? A No, she never married anybody as I know of.
Q Did she ever do any work for you other than dress your hair?
A No, sir.
Q Well, now during that ten years did you ever miss them from up there for any considerable length of time? A No, sir; I don't think they were away.
Q You never missed them? A Yes, sir.
Q You saw them frequently during that time? A Yes, sir, they belonged to the church and was in all the doings.

Mr. Attorney Brown for Applicants:

Q Now, you say that this woman married a man by the name of Henderson? A Yes, sir.

Q Henderson is living up there yet? A Yes, sir.

Q And that is the woman you are talking about? A Yes, sir.

Q Now, then, how long was it from the time you say she married this man Gales until she left there? A About two or three years, I won't be certain which; she married him before they left that country.

Q Well, then, she lived there with Gales two or three years after his marriage? A Yes, sir.

Q Well, then, Mrs. Davis, if the record shows that Martha Henderson was married to Gales along in '69, then according to your statement they left there about '72? A It was later than that.

Q Well, now, how late was it? A I don't know, I didn't keep a record of these things; I know it was along in '70 they left there; their property will show that.

Q Now, Mrs. Davis, did you know Houston Benge? A I used to know him; I have heard of him.

Q Do you know when he was returning, when he assisted in making the treaty of '66, when he returned through Fort Scott?

A No, sir, I don't remember anything about it.

Q Well, if he has already sworn that the applicant in this case, Martha Gales, was in Fort Gibson in the Cherokee Nation in the month of November, '66, are you prepared to dispute that fact,

A That she was living there?

Q That she was there, whether living there or not? A I am prepared to dispute the fact that she was living there.

Q Are you prepared to say she was not there? A No, sir, she might have come off down there.

Q Now, there were a good many people leaving that country and coming to this country immediately after the close of the war?

A No, I don't know of any coming until after Haper was killed, there was a good many left there.

Q Now, when was he killed? A I don't know, I think it was in '66.

Q What time of the year? A In the fall of the year.

Q Then immediately after that killing there were a good many colored people left that country and came to this country?

A In the spring after that, but Martha Gales didn't.

Q Now, then, in the month of November, in the year 1866, can you state positively that the applicant in this case was not in Fort Gibson? A I can state that she was not there permanently to live, but she might have been there, come down there on a visit.

Q Did you know Bill Brown during his life-time? A Yes, sir.

Q Do you know when he returned to the Cherokee Nation? A He came to the Cherokee Nation long before that date.

Q How long before? A I don't know.

Q Now, when he returned to the Cherokee Nation, who returned with him? A Himself as far as I know.

Q Who else? A I don't know.

Q Are you prepared to state that three or four other parties didn't come with him? A No, sir. Do you think I stood around watching who came, but I know Martha and Susie didn't come with him.

Q Now, if you didn't see him come how do you know who came with him? A I don't know who came with him.

Q Well, you say now that-? A And I don't know when he come either.

Q You say that they lived there about how long after the close of the war? A Who?

Q Martha Gales? A They lived there for ten years.

Q Well, how long did you know them in the State of Kansas?

A I knowed them all the time they was there.

Q That would be about ten years? A Yes, sir, I can't be posi-

tive of the number of years but they lived there until in the '70s.

Q Mrs. Davis, what do you get for testifying in this case?

A I don't know that I get anything.

Q You haven't been promised anything? A No, sir.

Q You came down here on your own expense? A I was supposed down here and I came; I paid my own fare down here.

MR. HASTINGS:

Q You supposed you would get witness fees, didn't you? A I supposed I would; I supposed they wouldn't take me away from my housekeeping and everything for nothing.

RICHARD DRAKE, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HASTINGS:

Q What is your name? A Richard Drake.

Q What is your age? A 50.

Q What is your post office? A Fort Scott.

Q How long has Fort Scott been your post office? A Since '70.

Q Where did you live before '70? A I lived in Fort Gibson.

Q When did you come to Fort Gibson? A Along in '61 or '2.

Q You lived there till '70 and went to Fort Scott?

A When I first went there I went to Mackey's salt lake and worked for the government there a while during that time.

Q Did you know a colored woman by the name of Ibbie Brown at Fort Scott? A Yes, sir.

Q Did you know some daughter's of hers, Martha and Susan?

A I knew Susan; she had another daughter, but I didn't know her by the name of Martha.

Q What did you know her by? A Henderson.

Q I mean what was her first name? A Henderson was her first name when I knew her.

Q Was it Sarah, Mary, or what? A It was Mat.

Q Well, was Henderson her husband's name? A Yes, sir.

Q Well, now, when did you learn to know these people, this Henderson woman and Susan Brown? A Well, I judge it was right along in '70 or '71, right along in there.

Q Was Mattie Henderson living with her husband at that time?

A I think she were as near as I recollect.

Q Did she continue to live with the same husband? A Well, no.

Q What became of her did she die or did what? A I think they separated.

Q Well, who did she afterwards marry? A She married a man by the name of Gales.

Q Did Susan ever marry to your knowledge? A No, sir.

Q Did you know their mother? A Yes, sir.

Q What was her name? A We always called her Aunt Ibbie.

Q Well, now, how long did you continue to know them up there at Fort Scott after you got acquainted with them as you say in 1870,

A I know Aunt Ibbie clear until she died.

Q How long did you know these girls, this woman?

A Until they left there.

Q About what time did they leave there? A In my judgement they left there about '79, or '80.

Q That is your best recollection? A Yes, sir.

Q During that time that you know them up there did you see them frequently or occasionally? A Quite often.

Q Were you ever at their house? A I have been at Susan's house, that is, her mother's house.

Q Were you ever at Henderson's house when he was living with this woman? A Not to my knowledge, I never was there.

Q You knew what Henderson did? A He were a man.

Q Did you ever know these people at Fort Gibson when you were

there? A No, sir.
Q You never saw them down there to know them? A No, sir.
Q and you went from Fort Gibson or vicinity to Fort Scott?
Q I went direct from Fort Gibson to Fort Scott.
A BY ATTORNEY BROWN:
Q How old were you when you left Fort Gibson? A I could not
give the exact date now; something about between 18 and 21 anyway.
Q How old are you now? A 30.
Q Well, you didn't know everybody at Fort Gibson did you?
A No, sir.
Q Great many people that lived there that you didn't know?
A Yes, sir.
Q And some of them that you did know and forgotten? A That is
possible.
Q You say Ibbie Brown died up there? A Yes, sir/
she never returned to the Cherokee Nation at all?
A I could not say at that.
Q How long did Ed Henderson and Mat Gales live together after you
went to Fort Scott? A Well, I don't know just how long
Q About how long? A I am not prepared to say.
Q Ten years? A I don't know.
Q What is your best judgement? A If I give you my judgment at
all I would have to give you a guess because I don't know.
Q You know about what time they left there, why is it you can't
state how long they lived together? A It seems to me that they
separated in two or three years after I went up there?
Q Where did she go to after they separated? A She stayed
there.
Q All the time? A Of my knowledge she did.
Q I want to know whether you can swear positive that she did?
A No, I am not prepared to swear positively because I would not
see her every day.
Q What year did you say they left there? A I say it was about
'78 or 9.
Q Now, can you name any one else that left there? A No, I don't;
someone pertain to this case?
Q Well, any case? A No, I don't know anything about anybody else
Q You can't name any other person that left there at that time?
A I don't know.
Q How is it you remember the year that Martha Gales left there and
can't remember when any one else left there? A I might have been
in a position to know that.
Q Well, please state it? A Because of the folks that lived down
in that neighborhood, did live there, all gone.
Q Why is it you can state when Martha Gales left there and can't
state when any other person left there? A There might have been
lots of people left there.
Q Now answer my question, Mr. Drake? A I can't tell you.
Q Mr. Drake, have you ever seen or heard of a copy of the testimony
read in this case? A Copy of this case.
Q Copy of the testimony in this case? A Well, I don't know
whether I have or not.
Q Don't you know whether you have or not? A I haven't had any
copy read to me.
Q Have you read it yourself? A No, sir.
Q Have you seen a copy of it? A Not to my knowledge.
Q If you had seen it you would have known it wouldn't you?
A Possible I would.
Q Have you ever seen anything like that before (Copy of testimony
shown witness)? A That has never been presented before me before
Q Look at it and see? A No, sir, I never saw that.
Q Have you heard any statements as to what Martha Gales testified
to in this case? A No, sir.

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Q You haven't heard anything at all about it? A No, sir.
Q So she has told you what she claimed to have seen to the
Cherokee Nation for the first time after the war? A No, sir.
Q You have heard nothing of that at all? A No one has told
me anything about her coming here.
Q Now, where were you born, Mr. Drake? A Washington county,
Arkansas.
Q And you say when you left here you were about twenty years old?
A Left there?
Q Fort Gibson, Cherokee Nation? A I said somewhere from 18 to
21.

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J. O. Reese, being first duly sworn, states that as stenog-
rapher to the commission to the five civilized Tribes he correctly
recorded the testimony and proceedings in this case, and that the
foregoing is a true and complete transcript of his stenographic
notes thereof.

Subscribed and sworn to before me this February 20, 1902.


Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T. February 18, 1902.

In the matter of the application of Martha Gales to be enrolled as a Cherokee Freedman:

Appearances:

Lewis T. Brown, agent, Vinita, I. T., for applicant;
James S. Davenport, Vinita, I. T., for Cherokee Nation.

TESTIMONY ON BEHALF OF THE CHEROKEE NATION.

JOSEPH ALBERTY, being sworn and examined, testified as follows:

- Q What is your name? A Jerry Alberty.
Q What is your post office? A Wagoner.
Q You live in the Cherokee Nation? A Yes sir.
Q How long have you lived in the Cherokee Nation?
A I have lived in there all my life. Born here and raised here.
Q Where were you living in 1866? A At Webbers Falls.
Q How far is Webbers Falls from Fort Gibson, Indian Territory?
A About 30 miles.
Q How long did you live at Webber Falls after 1866?
A One summer.
Q During the time that you lived at Webber Falls where did you do your trading? A At Fort Gibson.
Q When you moved away from there to what point did you go?
A Down on the river about six miles from Wagoner.
Q About how far was that from Fort Gibson?
A That was about 22 or 23 miles from Fort Gibson.
Q Where did you do your trading after you moved down on the river? A At Fort Gibson.
Q About how long did you live on the river near Fort Gibson?
A About two years.
Q Were you back and forth to and from Fort Gibson during that time? A Yes sir. I did all my trading and milling and everything else at Fort Gibson.
Q During the time that you lived there did you have an acquaintance among the colored people at Fort Gibson? A Yes sir.
Q Did you know a colored woman named Martha Gales? During the time you lived there on the river? A Not at that time.
Q Have you since that time become acquainted with her? A Yes sir.
Q Well you understand what years it was you lived on the river near Fort Gibson; about 15 or 20 miles from there?
A It was '67 and '68 and a part of '69.
Q Since that time have you become acquainted with a woman named Martha Gales and a man named Pomp Brown? A Yes sir.
Q When did you first get acquainted with them, and where were they when you first saw them? A I never saw them at Fort Gibson but once.
Q When was it you saw them at Fort Gibson?
A It must have been in '72 or '73; sometime about the 70s.
Q What were the circumstances under which you saw them that called your attention to them?
A By the people there in the town. I made inquiry who they were.
Q Were they living there? A No sir they just come in.

Q How do you know they just come in?
 A They come in and got off the stage.
 Q Was there anything special that caused you to notice them and inquire as to who they were; did anything come up with reference to traveling, or anything?
 A Nothing more than that the people appeared to be glad to see them.
 Q Well now after you saw them there in 1870 get off the stage, where did you next see them, and where were they?
 A I don't remember. I know it was a good long while after that before I saw them again.
 Q Who was it that you saw get off the stage? A Just the two.
 Q Give their names? A Martha Brown and Pomp Brown.
 Q You didn't see anyone else? A That's all the two I saw.
 Q The same woman goes by the name of Martha Gales? A Yes sir.
 Q Do you know her now as Martha Gales? A Yes sir.
 Q Do you know where they came from; did you have a conversation with them? A Not in particular.
 Q When you next saw them after the time you saw them get off the stage at Fort Gibson where were they?
 A I saw Martha Gales at Fort Gibson the next time I saw her. That was the time of the census roll there.
 Q The Clifton roll? A I guess so.
 Q Did you know anything about where she had been living in the meantime? A I think she had been living about Brushy Mountain.
 Q Where did you next see Pomp Brown? A I saw him so many times I can't tell you where the first place was.
 Q Do you know where he was living? A At Vinita a while. I saw him at Vinita and I thought I saw him here in a barbershop.
 Q Do you know where Martha or Pomp Brown had been?
 A No sir.
 Q That was the first time you ever saw them? A Yes sir.
 Q You had been back and forth to Fort Gibson trading ever since 1866 up to the time you saw them get off the stage, and never saw either of them before? A No sir. That's the first time I ever saw them.

Examined by Lewis T. Brown:

Q Where did you say you lived during the years 1867, 68 and 69?
 A I lived in 1867, 68 and part of 69 down here on the river, and then moved beyond the creek, down near Will Alberty's old place.
 Q How far is that from Fort Gibson? A Twenty some odd miles.
 Q About twenty how many? Is it 25 or 23 or 24?
 A It is called twenty five miles.
 Q When you told Mr. Davenport it was 15 or 20 miles from Fort Gibson you were mistaken were you not? A Well I was just guessing at it just as I am doing now. I don't know yet how far it is.
 Q When was it you say you saw them in Fort Gibson?
 A I can't state the year exactly; sometime about the first of the 70s, 73 or 74.
 Q You stated a while ago that it was 72 or 73 didn't you?
 A It was somewhere along there. I think I was living beyond the creek at that time.
 Q When was it you say you next saw Martha Gales?
 A I saw her at the Clifton enrollment at Fort Gibson.
 Q Well now where did she live from 72 or 73 when you claim you saw her at Fort Gibson until you saw her in 1896 at the Clifton court?
 A I can't tell you.
 Q What's your information? A They said at that time that she was living over about Brushy Mountain.
 Q That's in the Cherokee Nation isn't it? A Yes sir.

Q Why do you remember seeing her so well, you say you do not remember who else got off the stage except them. What impressed that upon your mind that you should remember that for 30 years?

A Seeing them get off?

Q Yes sir. A I seen him get off and the reason why I know it, people were shaking hands with him and caused me to make inquiry you know.

Q Uncle Jerry did you ever see another man get off the stage in your life? A Oh yes lots of them.

Q Did you remember when they got off the stage?

A I remember some of them.

Q In 1872 and 1873, as you claim, there was no railroad going into Fort Gibson? A No sir.

Q Any one going from any point to Fort Gibson would necessarily have to come in there by wagon road? A Yes sir.

Q When was it you next saw Pomp Brown after 1872 or 1873?

A I can't tell you the next time I saw him, but I saw him in a barbershop.

Q Whereabouts? In Muskogee or Vinita I don't know which.

Q What year was it? A I don't know. I don't know what year it was.

Q You remember when you first saw him? A Yes sir.

Q Then why is it you cannot remember when you next saw him?

A I didn't keep no record of it.

Q Did you keep a record of the first time? A I was keeping a record at that time.

Q For what purpose? A I kept it in my mind. It was right after the war at that time. After 1866 I kept time pretty well.

Q For what purpose were you keeping a record as to when Pomp Brown came to the Cherokee Nation? A I kept a record of how many years I stayed at the river place and at the old place, and after that time I never kept a record.

Q For what purpose were you keeping a record as to when Pomp Brown returned to the Cherokee Nation? A I never had any. Didn't I tell you it was on account of people being glad to see him the reason I made inquiry?

Q The reason you remember it is that people were glad to see him? A I says "Who is them folks"; and they says "Pomp Brown and his aunt", or some of his relations. Then Henry Scales made a remark about his trunk. He had a trunk he wanted somebody to haul, and Henry Scales made a remark about the trunk. He was trying to hire somebody to haul it to some house, and Henry Scales told him he says--

Brown: Don't repeat anything Henry Scales said. The question is objected to. Comes now the applicant and objects to the witness being allowed to relate any conversation that Henry Scales might have had with Pomp Brown for the reason that it is hearsay evidence and for the further reason that Pomp Brown and Martha Gales are both dead, and neither can be here to affirm or deny witness' statement.

The Commission: The objection will be noted. The witness will be allowed to answer the question.

Mr. Davenport: You started to tell about a trunk, go ahead? A That's my reason why to know that.

Q Tell what they said to each other. That's what you started to say.

A Seales asked him "Why don't you carry your own trunk"? He said "I'm not going to carry it as long as I got money". He said "Look here nigger before you been here six months you will take your trunk on your shoulder and pack it yourself". By that reason I got to making inquiries. You wanted to know why I made inquiry about him.

Examined by Lewis T. Brown:

Q You remember that conversation that took place 30 years ago?

A Yes sir.

Q Uncle Jerry how many years was it from the time you first saw Pomp Brown at Fort Gibson until you saw him again?

A I can't tell you.

Q About how long? A 4 or 5 years. Maybe longer.

Q Where was he then? A In a barbershop, I can't tell you where it was.

Q Where were you living then? A Here on the creek.

Q You don't remember when you saw him? A I saw him the next time in a barbershop.

Q If in 1872 or 1873 Pomp Brown had been going to Fort Gibson from either Vinita or Muskogee, wouldn't it have been necessary for him to have taken the stage in order to go there? A Of course.

Q In order to go from any point in the Cherokee Nation wouldn't it have been necessary for him to have taken the stage to go there? A Yes sir.

Q Mr. Alberty you know Mary Greggs a white woman who lived down near Webbers Falls? A No sir.

Q Where were you living in 1866? A Near Webbers Falls.

Q I will ask you if at that time a woman named Mary Greggs wasn't living there and is living there to-day?

Question objected to by attorney for the Cherokee Nation, and the objection sustained by the Commission.

Q Uncle Jerry did you know everybody that was in Fort Gibson in the fall of 1866. A No sir, never knowed all of them.

Q There were a great many people there at that time that you didn't know? A Lots of them.

Q Are you prepared to state that in the month of November, 1866, Pomp Brown was not in Fort Gibson? A No sir.

Q Did you know Bill Brown during his lifetime? A Yes sir.

Q He was there during that time? A I think he was, I wasn't acquainted with him at that time. I heard the name called a right smart, but I wasn't acquainted with him.

Examined by Mr. Davenport:

Q You don't know of your own knowledge where Bill Brown was until you got acquainted with him? A No sir. First time I saw him was right here.

By Lewis T. Brown: When was that?

A Along in 1878 or 1879.

The Commission: This testimony will be made a part of the record in the following Cherokee Freedman cases: D 93, D 94 D 256.

Lewis T. Brown: In cases D 94 and 256 applicant objects to this testimony being thrown into it, for the reason that he has never been notified that this testimony would be taken on this day. And for the further reason that he has additional evidence which he intends to introduce, and has only been waiting until notice has been served upon him that the Cherokee Nation would present their testimony to produce it.

The Commission: It appears from the records of the Commission that the agent of the applicants Martha Galea and Susan Brown is also agent for the applicant Ella J. Hill whose name appears upon D 256, and that applicant is representing himself in case No. D 94; consequently the testimony will be filed in said cases.

N. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the above and foregoing is an accurate transcript of his stenographic notes thereof.

(Signed) N.C. Bagwell

Subscribed and sworn to before me this February 26, 1902.

(Signed) T.B. Needles
Commissioner.

-oOo-

I, Lola Mann, stenographer to the Commission to the Five Civilized Tribes, hereby certify that the above is a true and correct copy of the original now on file with the Commission.

Lola Mann

Subscribed and sworn to before me this 11th day of February, 1905.

M. Campbell
Notary Public

7-19-2

Novella K. P. P. P.

Excellence and honor to participate in the 74th of the...

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(Signed) W. D. Lee

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C. F. D.-94.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I.T., March 3, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS ON BEHALF OF CHEROKEE
NATION, in the matter of the application of Lewis T. Brown for en-
rollment as a Cherokee Freedman.

Appearances:

Applicant in person;
L.B. Bell, of attorneys for the Cherokee Nation.

BY MR. BROWN: Applicant objects to the introduction of any tes-
timony tending to disprove his citizenship, for the reason that he is
the descendant of a person whose name appears upon the authenticated
roll of 1880, and that the decree of the United States Court of Claims
of date February 3, 1896, and number 17, 209, under which this Com-
mission is making a roll of Cherokee Freedman, strictly forbids the
introduction of any testimony of any testimony tending to disprove
the citizenship of any person whose name appears upon the authentica-
ted roll of 1880, and their descendants.

BY COMMISSION: The objection of the applicant is noted, and the
testimony will be taken.

PLEASANT W. BLACKSTONE, being first duly sworn and examined,
testified as follows:

BY MR. BELL:

- Q. Give him your name? A. Pleasant W. Blackstone.
- Q. Your residence? A. Live in Muskegee now.
- Q. Age? A. I am about 60 years old.
- Q. Were you ever a resident of the town of Fort Gibson, Cherokee Na-
tion? A. Yes sir.
- Q. When? A. From December '66 until about, I stayed there three years;
I can't be exact as to the time, but about three years.
- Q. What were you doing there, what was your business? Well I first
worked for the quartermaster a little while there, and then I worked
for Mr. F. H. Nash there in the mercantile business; worked there
nearly three years.
- Q. About what was the population of that town then? A. About a baker's
dozen.
- Q. Leaving the soldiers out? A. About a baker's dozen; there was not
many but a small town.
- Q. Was there a barber's shop in Fort Gibson when you stayed there?
A. Yes sir, I think so.
- Q. Who had it? First barber shop I remember there was Henry Scales
and a fellow named Charley Foreman; that was when I first went there,
and later on I believe there was another shop by the name of Andy
Murrell.
- Q. How long did Andy Murrell run his shop there? A. I don't know, I
think he was killed some time during the next Summer or Fall, of '67.
- Q. Well he quit running it then did he? A. Yes, I think he quit run-
ning it, yes sir.
- Q. Did you know who followed Andy Murrell, in that shop? A. I think
it was a fellow named Bill Brown.
- Q. Bill Brown, was he a Freedman Cherokee or a white man? He was a
Cherokee Freedman I heard, he always claimed to be.
- Q. Did you have any particular acquaintance with him? A. Yes, I knew
him for awhile.
- Q. Was he the William Brown that is the uncle of this Martha Galea
that lives in this town, or a relation of her? A. I don't know that.
- Q. Are you acquainted with Pomp Brown? A. Yes sir.
- Q. Was he Pomp Brown's uncle? A. I understood so, I don't know it

of my own knowledge.

Q. Now I will ask you did this Bill Brown run a barber shop in Fort Gibson in '66? A. No sir.

BY LEWIS T. BROWN:

Q. I will ask you if Pomp Brown was in Fort Gibson in the fall of '66? A. I don't know, I don't think so.

Q. Do you swear he was not there? A. No, but I never saw him, nor never heard of him.

Q. There were possibly a great many people that you did not see, and never heard of were there then? A. It was a small place, and I would have been apt to see them or get acquainted with them.

Q. You knew every colored person that was in Fort Gibson in '66?

A. I think I knew everybody there.

Q. Did you know every body there? A. I guess I did.

I want to know whether you swear positively that you did? A. No I wont swear that.

Q. Now you stated in answer to Mr. Bell's question that there were about a baker's dozen there; now name this dozen that were there in '66? A. Well I aint going to try that.

BY COMMISSION:

Q. Can you do so Mr. Blackstone? A. No, I couldn't tell it that way.

BY BROWN:

Q. You say you knew everybody that was there? A. Yes sir, I did I think.

Q. That was about a dozen there? A. Oh there were more than that, I didn't know the soldiers.

Q. Isn't it a fact that there were as many as three or four hundred negroes around there during the year? A. I don't know how many there was around there, there was a good many that was there; it was a small place, I don't know how many.

Q. Isn't it a fact that there were as many as three or four hundred?

A. No, I don't know that.

Q. You wont swear there was that many? A. No, I wont swear there were or wasn't.

Q. You didn't know all the colored people in town? A. I think I knew pretty near every colored man in town.

Q. Did you know all of them? A. No, I wont say that.

Now Mr. Blackstone, when did you first see Pomp Brown? A. First time I remember I ever saw Pomp Brown was in here in this town.

Q. What year was that? A. I don't remember, but he was here, Barber.

Q. How long was it after you left Fort Gibson? A. Oh I left Fort Gibson in '69 or '70, I wont be certain which, '70 I guess.

It was in '70 you saw him? A. No no.

Q. When was it you saw him the first time? A. After I lived here in town.

Q. How long was it from the time you left Fort Gibson until you saw him? A. It might have been five or six years.

Q. Then if you left there from '69 to '70, you saw him in '74 or '75

A. I didn't say either, I didn't live ~~here~~ here; I lived on the river, four or five years before I come here.

Q. About what year was it when you first met Pomp Brown? A. I can't place the years, but it was after I moved to town, I moved to town, I moved here in '93, and it was after I come here.

Q. You moved to Muskogee in '93? A. Yes sir.

Q. And Pomp Brown was here after you moved to Muskogee? A. That is the first time I ever saw him.

Q. That is the Pomp Brown you were talking about? A. Yes, the one that was killed up here in this stable.

Q. You are positive that you moved to Muskogee in 1893? A. Yes sir.

Q. And it was after that time you saw Pomp Brown? A. No, I moved here in '83 I guess.

'83 or '83? A. '83.

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Q. How long was it then from the time you moved here until you saw
Pomp Brown? A. Oh I don't know.
Q. About how many years? A. I don't know.
Q. Give us your best judgment? A. Oh I couldn't tell you, I won't try.
Q. I want you to give us some kind of an estimate? A. After I moved
here he was a barber here, I don't know how long he had been here or
anything about it, he was here when I first moved here, but after
that he moved here.
Q. How long after that was it? A. I don't know.
A. As much as four years? A. It might have been, and it might have
been one year, I don't know.
Q. That as near as you can come to it? A. Yes sir.
Q. You are positive you moved here in 1883? A. Yes sir.
Q. You say some time from the time you moved here in '83 until Pomp
Brown came here and run a barber shop in the city of Muskogee?
A. I don't know whether he run a barber shop when he was killed here
or not, I forgot; he run a barber shop in Vinita.
Q. Did he run a barber shop in Muskogee any of the time from '83
down to when he was killed? A. Yes sir.
Q. You swear that do you? A. Yes sir, in the summer.
Q. It was after 1883? A. Yes sir, I think so.
You are positive that it was after you come to this country?

A. Yes sir.

Q. That is, to Muskogee? A. Yes sir.

Q. And you came here in '83? A. Yes sir.

Q. And this Pomp Brown ran a barber shop in Muskogee before 1883?

A. Yes sir.

Q. In the fall of '66 there were a great many colored people coming
to Fort Gibson? A. I didn't see a great many.

Q. Did Pomp Brown come? A. I never saw him.

Q. You are not going to swear positively that Pomp Brown was not
there in '66? A. I am going to swear I never saw him.

Q. Will you also swear positively that Bill Brown didn't run a barber
shop in Fort Gibson in the fall of '66? A. Yes sir, I will swear that
he was not there.

BY MR. FULL:

Q. Your business was clerking in the dry goods store there was it
not? A. Yes sir.

Q. People of the town trading in there? A. Yes sir.

Q. And that was your means of knowing these folks? A. Yes.

BY BROWN: Wait a minute; you are asking for conclusions.

F. H. Nash, being first duly sworn, and being examined, testified
as follows:

BY MR. FULL:

Q. Give him your name, Mr. Nash? A. F. H. Nash.

Q. Post office? A. Fort Gibson.

Q. Your age? A. 55.

Q. How long have you resided in Fort Gibson? A. About 49 years.

Q. Were you in that town in the year 1866? A. Yes sir.

Q. What was your business there? A. Merchandising.

Q. Was there a barber shop run in that town during the year '66 that
you recollect of? A. Best of my recollection there was, yes sir,
'66 and '66.

Q. Do you know who owned the shop? A. Andy Murrell, that is the
best of my recollection.

Q. Do you know who barbered for him? A. Well it strikes me a man named
Charley Foreman; he didn't run it himself, but to the best of my
recollection Charley Foreman run it.

Q. Now I will inquire if you was acquainted with one William Brown,
a colored man, who did run a barber shop in Fort Gibson?

A. Yes sir, he afterwards moved to Muskogee I think.

Q. He is dead now is he? A. Yes sir, so I have been told.

Q. When was it he ran a barber shop in Fort Gibson? A. It was after
Murrell was killed I think, to the best of my recollection.

Q. And when was Murrell killed? It was, I will not be positive, but it was either in '67 or '68, it strikes me though it must have been '68, early in '68, it was either '67 or '68.

Q. During the year 1866 did you see anything, or was Bill Brown running a barber shop in the town of Fort Gibson? A. Not that I recollect of it at all; I have no knowledge or recollection of it.

Q. How far was this shop of Murrell's from your place of business? A. Oh it was probably a hundred yards or such matter; I don't remember exactly now; it was across the street though, it strikes me. Had a shop at one time on the same side of the street, and then afterwards across the street; it strikes me it was across the street.

Q. Did you have any work done for yourself in that barber shop? A. Yes sir, I have been shaved there.

Q. You didn't see Bill Brown in the year '66 shaving there? A. No sir not that I recollect.

BY LEWIS T. BROWN.

Q. When did you first become acquainted with Bill Brown? A. It was after he went into the barber business; after Murrell was killed.

Q. When was that? A. '67 or '68, I am not positive.

Q. If this man Murrell was killed on the third day of March, 1868, then Bill Brown run a barber shop after '68 did he? A. It was after Murrell was killed I think, I don't remember when Murrell was killed; I see you have got the date, I guess it was about '68.

Q. Now Mr. Nash, was Bill Brown in Fort Gibson in the year '65?

A. Not that I remember; I have no recollection of it.

Q. There were a great many people around there at that time, were there not? A. No sir, not a great many.

Q. There was more than a baker's dozen, wasn't there? A. Oh yes sir, there was soldiers there.

Q. There were as many as three or four hundred colored people around there? A. Yes sir, I expect there was.

Q. You were in business there at that time, as other merchants were? A. Yes sir.

Q. You didn't try to keep any record there as to when people came and went out? A. No sir.

Q. Nor do you propose to state the exact year that some man ran a barber shop in Fort Gibson some 36 or '6 or '7 years ago?

A. No sir.

Q. You are only testifying as to your best recollection? A. That's all.

Q. You can't swear positively that Bill Brown was not there in Fort Gibson in '66 can you? A. No sir, I can't.

Q. Did you know Pomp Brown during his life time? A. Old Pomp? Yes? A. Yes sir.

Q. When did you first get acquainted with him? A. Before the war, no, I am thinking of Pomp Thompson; I don't remember Pomp Brown; I might know him if I was to see him, but I don't remember him.

Q. You wont swear that he was not there in the fall of '66? A. No sir, I couldn't swear he was or he was not.

Q. Nor do you swear positively that Bill Brown was not running a barber shop there in '66? A. My impression is that there was but one shop, run by Andy Murrell; and Bill Brown bought it after Andy Murrell was killed.

Q. That was about 36 years ago? A. Yes sir.

Q. And your memory is not clear entirely upon that point? A. It is as clear as any one else's I expect could be.

Q. You wont attempt to swear that he did not run a shop there in '66? A. No sir, but I don't think he did, to the best of my recollection he did not.

BY MR. BELL.

Q. You were asked the question if there was not three or four hundred colored people around there; do you mean in the town, or in the country around there? A. Oh scattered out in the suburbs, they were

there, -the cholera was I think in '57 was it not; there was a great many colored people and the cholera was so bad that the commanding officer moved them to Four Mile Branch, gave them tents to live in and rations to eat and burned up their cabins, and there were then very few about Fort Gibson from that on until quite a length of time on, most all of the colored people moved out of Fort Gibson in '67, and that makes me believe more firmly yet that there couldn't have been but one barber shop there, because there was not many colored people in Fort Gibson in '68; they had moved out.

BY BROWN:

Q. And that is why you testify as you have? A. Yes sir.

Q. You didn't own the only store in Fort Gibson in '66 did you?

A. No sir.

Q. Well Nip Blackstone used to work for you there? A. Yes sir.

Q. And his duties were at your store, and not at Somebody's else's store? A. Oh I guess he was in some body else's store too; I don't suppose he confined himself strictly to my store, and he worked for the Government before he worked for me, in the quarter master's department, some six or eight months I think.

McCoy SMITH, being first duly sworn and examined testified as follows:

BY MR. BELL:

Q. What is your name? A. McCoy Smith.

Q. What is your residence? A. Canadian District.

Q. Age? A. 55.

Q. Where were you in 1863? A. Over here on Canadian until the latter part.

Q. Did you live about Fort Gibson in '55? A. I come there in November '66.

Q. What time in November, if you recollect? A. About the first.

Q. Do you know who was running a barber shop there in November 1866? A. Andy Murrell.

Q. During that month of November, 1866, did you ever see one William Brown, Freeman, in that shop running it? A. No sir, never did.

Q. Well did he run that shop any time after you come there during the year 1865? A. I never saw him there until, ah it was 4 or 5 years after that ~~that time~~ before I saw Bill Brown there; I don't know exactly when it was, but it was 4 or 5 years after that.

Q. Well you knew William Brown did you? A. Yes sir.

Q. Was he Pomp Brown's uncle? A. I didn't know Pomp Brown.

Q. Do you know what became of that William Brown? A. I understood he died here at Muskogee.

Q. He moved away from there and came to Muskogee did he? A. Yes sir.

BY BROWN:

Q. You state now ~~that~~ Mr. Smith that Andy Murrell ran a shop there in November '66? A. Yes sir.

Q. How long did Andy Murrell run that shop? A. Until I think about '68 when he was killed.

Q. Then he sold out did he, to who? A. I didn't know he sold out to any body; I think that Henry Scales and Charley Foreman I think ran that shop after that.

Q. Now your recollection is Andy Murrell ran that shop and sold out to Henry Scales? A. No I didn't say he sold out.

Q. Well Henry Scales ran the shop after Andy Murrell? A. Yes sir.

Q. When did you first see Bill Brown in your life? A. That was about, oh I don't recollect exactly when it was.

Q. About that year? A. It must have been about '68 or '69, or '70, I saw him down there at Gibson.

Q. What was he doing there? A. He wasn't doing anything when I saw him.

Q. That is the first time you ever saw him in your life? A. No, I knew him before the war. Q. Now the first time you ever saw him after

the war was in '69?

A. Yes, somewhere along that time, '69 or '70.

Q. There were a great many ~~young~~ colored people around Fort Gibson in '63 and '7 and '8? A. Yes sir.

Q. It was impossible for you to know all of them? A. It was impossible for me to know all of them, and a heap of them I never did know.

Q. Pomp Brown might have been there in '66 and you not have known it? A. Yes, he could have been there and I never did know him.

Q. All that you know about it is that some man ran a barber shop, name Andy Murrell, there in '66? A. Yes sir.

SALLIE LOVING, being first duly sworn and being examined testified as follows:

BY MR. HASTINGS:-

BY BROWN: I would like for the record to show that during the examination of the three former witnesses this witness was in the ~~room~~ room.

WITNESS: I was standing there by your lawyer at the door; I suppose you can prove it by him; he will tell you I was standing there by him, giving him a pointer too.

BY MR. HASTINGS: Did you hear the statement of these other witnesses? A. I didn't hear it.

Q. What is your name? A. Sallie Loving.

Q. What is your age? A. I was born in '61 in March.

Q. Did you ever know a colored man named Pomp Brown? A. Yes sir.

Q. Where did you know him? A. In Fort Scott; I went to school with him.

Q. When was that? A. In the sixties.

Q. Well did you know him after that? A. I knowed him in Humboldt. He was running a barber shop in Humboldt, and I went therein '69 and I left there in '72, and he was still running a barber shop.

Q. Did you leave him there? A. Yes sir.

Q. Did you know Martha Gales? A. Yes sir.

Q. Where did you know her? A. In Fort Scott.

Q. When? A. In the sixties.

Q. How long did you continue to know her? A. Up until she left there in '84.

Q. Did she live there all the time up until 1884? A. I never missed her out of the town ~~in~~ while I was there..

Q. Did you know Susan Brown? A. Yes sir.

Q. Where did you know her? A. Went to school with her.

Q. Where at? A. Fort Scott.

Q. Did you know their mother? A. Aunt Ibbie?
Yes. A. Yes sir.

Q. How long did you continue to know Susan Brown in Fort Scott?

A. I left there in '69 and when I come back in '72 she was still there.

Q. Between '69 and '72 you were at Humboldt? A. Yes sir.

Q. And there you knew Pomp Brown? A. Yes sir.

Q. Did you know Bill Brown? A. Slightly; he left there before I got acquainted with him much..

Q. You don't know just what time he left? A. No, I don't know.

BY BROWN:

Q. How old were you Mrs. Loving, when you left Fort Scott?

A. I was going into 9 years old. Q. And how long did you remain away from there?, you say? A. From '55, I went there and stayed until '72.

Q. Now then you say you went to school with Pomp Brown? A. Yes sir.

Q. During what year? A. In the sixties. School started in I think '65, and I went to school until I left there in '69; he was a big

fellow; what you would call a young man. Well he was a man, looked more like you.

Q. That is the Pomp Brown you talk about? A. Yes, that is the Pomp Brown.

Q. When did you say you returned back to Fort Scott? A. '72.

Q. And at that time you left Pomp Brown at Humboldt, Kansas, running a barber shop? A. Yes sir. From there he either went to Chanute or Texas I don't know which.

Q. Or the Cherokee Nation? A. No, I don't think he went to the Cherokee Nation until later on.

Q. You don't know when he went to Humboldt? A. I don't know, he was there when I got there in '69.

Q. When did he leave Fort Scott? A. He must have left some time in '69 or some time I think along in there.

Q. You say you don't know when he left, but you found him in Humboldt; now when did he leave Fort Scott? A. He might have gone one one train and me on another.

Q. When did he leave Fort Scott; that is what I want to get out?

A. I left therein '69; I don't know when he left.

Q. You don't know where he went when he first left? A. No, I don't know.

Q. He might have come to the Cherokee Nation when he first left?

A. Yes, he might have.

Q. You won't swear that he didn't? A. No, I am not swearing only to what I know.

Q. Well now in November 1866 where was Pomp Brown? A. He must have been in Fort Scott.

Q. How do you swear positively that he was? A. Yes, I have no other reason to say so, because I never went to school over three years, hardly three.

Q. About how old were you in '66? A. I was past four years old.

Q. You went to school then when you were four years old? A. Yes sir, I was lots smarter than lots of young ones now eight or ten, from all accounts I can get.

Q. When did you quit school? A. '69.

Q. You went to school four years then? A. No.

Q. You started in '65 and quit in '69? A. Well in that neighborhood I said two or three years, three or four years, yes.

Q. I believe you stated in another case that you were married when you were 12 years old? A. Yes sir.

Q. Now how long was it from the time Pomp Brown left Fort Scott until you were 12 years old? A. What?

Q. How long was it from the time that Pomp Brown left Fort Scott until you were 12 years old? A. Well I was 12 years old when I was 12 years old; I left there in '69, I come back, I was past ten when I started back to come home, past eleven.

Q. What I am trying to get at is this: understand my question; how long was it from the time Pomp Brown left Fort Scott, until you were 12 years old? A. I don't know the time he left there; I didn't keep any books on his; I don't know what time he left there; I knew he was there; I knew he went to school; I don't know how long he went to school.

Q. He didn't go to school all the time with you? A. I don't suppose he did, I had to help my mother also half a day and go the other part of the day.

Q. He might have left there in the fall of '66 and you not know it?

A. No, I don't think he did; I don't think he left there in '66. I couldn't positively say what year he left there.

Q. You say you and he went to school together? A. Yes sir.

Q. And he didn't go to school all the time that you did? A. He was living there and I think I don't know when he left.

Q. When he was not going to school, where was he? A. How did I know?

Q. You wouldn't swear he was in Fort Scott when he was not going to school? A. He was liable to have been there.

Q. Liable to have been somewhere else as there? A. Yes for a short little time.

Q. Well so it is a minute? A. Yes, so it is '66, I see what you are at.

Q. From '69 until '72 you were away from Fort Scott and lived in Humboldt, Kansas? A. Yes sir.

Q. Pomp Brown was there then? A. Yes sir.

Q. Now I want to ask again how long it was from the time Pomp Brown left Fort Scott until you were 12 years old? A. I don't know without taking time to count it up.

Q. Please take time, take all this evening, A. I don't have time to count it up.

Q. Now how long was it? A. I am liable to be 4 or 5 years older than that; I was only told by my mother's young master, I was liable to have been older, I couldn't have been any younger; I am counted in the State of Kansas the youngest mother, and the youngest grand mother.

Q. Please answer my question? A-
 BY COMMISSIONER: Can you answer the question?
 BY MR. HASTINGS, of Attorneys for Cherokee Nation: That is objected to by the representatives of the Cherokee Nation, and as it is being proper cross examination.

A. Not without I take time to count it up I say; I left there in June 1869, and when I went to Humboldt he was there.

BY COMMISSIONER:
 Q. When did you last see Pomp Brown before he went away? A. Oh must have seen him two or three months before he was killed.

Q. How long before you left Fort Scott did you see Pomp Brown?
 A. I don't know. It might have been two years and it might have been one.

Q. You have absolutely no idea how long it was? A. No sir, I know it was in that time he was there.

BY BROWN:
 Q. You were only five years old in '66? A. From the way I count it yes sir.

Q. You know your age? A. I don't really know it; I haven't got my mind down; I was only told that I was that old; I am liable to be older; I couldn't be younger, I have got a pretty good memory for a child of that age. The folks at home say so, that's all I have got, and nobody's word.

Q. In reference to the time that Martha Gales left Fort Scott is it not a fact that when you went away from Fort Scott in '59 and after you returned in '72 that Martha Gales was not there? A. She was in Fort Scott.

Q. After you returned from Humboldt? A. Yes sir.

Q. After '72? A. Yes sir. She runs a barber shop in front of Vanberg's clothing store; her husband, Ed Henderson, runs a barber shop; she shaved along by the side of him; every old settler in this house knows that.

Q. Did she live there continuously from '72 until '84? A. Without any was gone when I went in '72.

Q. Then if Jerry Alberty testified that he saw her and Pomp Brown at Port Gibson in '74 he might have been mistaken? A. I know she went on a visit. Q. The night he was gone as much as a month? A. Yes sir, might, I don't know.

Q. Then if you were five years old you might not have been gone a month or two? A. Yes, that is true, but she might have been gone a month. Q. When she was five years old she might not see Pomp Brown

have been given a month or such matter? A. Yes sir.

Q. All these things are true? A. Yes sir.

Q. You are the only one who testified in the case of Becky Webber are you not? A. Yes sir. I don't make no dates, because-

Q. As to the date you were to go, I don't know what I was going to say, you were to go to the house and stay a week; I could not tell what year or what month he was away; I don't remember; I missed him out of there, missed some that -Gales out of there; I don't remember the girl.

BY BROWN: I would like to have a copy of the testimony of this witness in the case of Becky Webber, D-42, made a part of the record in this case at bar, and also in D-92, Martha Gales, and D 93, Susan Brown and D 258 Ella M. Hill.

BY COMMISSION: The testimony in this case will be made a part of the record in Cherokee Freedmen doubtful cases D 92 D 93, D 258 and the case at bar.

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) M. D. Green.

I, Frances S. Rotafuhr, being first duly sworn do state what as stenographer to the Commission to the Five Civilized Tribes I made the foregoing copy and that the same is a true and complete copy of the original transcript.

Frances S. Rotafuhr

Subscribed and sworn to before me this 14 day of April, 1902.

Robert J. Partridge

Notary Public.

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... and ...

ACTING CHAIRMAN

Notary Public

... and ...

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... and ...

Department of the Interior,
Commission of the Five Civilized Tribes,
Muskogee, I. T., March 5, 1902.

Supplemental testimony on behalf of Cherokee Nation, in the matter of the application of Becky Webber for the enrollment of herself as a Cherokee citizen.

Appearances:

Mr. Hellette, of Hellette & Smith, Vinita, I. T. attorneys for the applicant;
W.W. Hastings, of attorneys for the Cherokee Nation.

Ballie Lovings, being first duly sworn and being examined testified as follows:

By Mr. Hastings:

- Q What is your name? A Ballie Lovings.
Q What is your postoffice? A Fort Scott, Kansas.
Q What is your age? A Born in '61, in March.
Q Born in March, 61, where were you born, Fort Scott? A Nevada, Missouri.
Q When did you come to Fort Scott, Kansas? A '63.
Q You were two years old? A Yes sir.
Q Did you ever know a colored woman up there named Becky Webber?
A Yes sir.
Q Did she have any children, the Becky Webber, you know? A Yes sir.
Q Give some of their names? A Well there's one, boy named Fobby.
Q You know whether that was a nick name? A Yes sir, that was a nick name.
Q What was his correct name? A Why I have forgotten now, Lewis.
Q Did she have another one? A She had two girls.
Q What were their names? A One of them was named Lydia and the other one was, the, oh I can't, aint that funny, I can't remember their names, Lydia and I can't think of the other one.
Q You think of any other boys name besides Lewis? A Their names are on the end of my tongue, but I can't call it, it has been so long since I saw them; one of them's name was Lydia.
Q Now think about the boys' names? A Lewis, called him Fobby, nick name.
Q Any other boy you think of now? A No, if she had another one I don't remember it now.
Q You remember a boy named Ellis, you remember? A I have heard the name.
Q Do you remember him? A No sir.
Q How long did you live in Fort Scott continuously? A From '63 until '69.
Q Do you know where Becky Webber was when you left there in '69?
A I think she was over across Mill Creek, lived near the magazine.
Q How far was that from Fort Scott? A About a mile or such a matter I don't think it was any further.
Q Did you afterwards come back to Fort Scott? A Come back in '72, yes sir.
Q Was Rebecca Webber there then? A Yes sir.
Q Well about when did she leave there? A Well she didn't leave there a great while ago, might have been in '80, '70 or '80 or '9 I think in there somewhere, to the best of my knowledge.
Q Well did you live there after you came back in '78, continuously?
A Yes sir.
Q Where did they live in '78 when you came back over there, near the magazine, or had they moved? A No I don't know where they lived.
Q You know whether any of these children attended school or not?
A Yes sir.

- Q Did you go to school there too? A Yes sir.
- Q Go to school together? A Yes sir.
- Q That was after you got large enough to go to school? A Yes sir, went to school with them two or three years.
- Q You were born in March, 1861? A Yes sir.
- By Mr. Hellette:
- Q Are you a married woman? A Yes sir.
- Q How long have you been married? A Since 1877.
- Q How old were you when you were married? A I was 12 years old.
- Q 12 years old when you first married; you were married in '77, you are certain about that now, are you? A Yes sir.
- Q You say from '61 to '77 is 12 years do you? A Well that is when I was married.
- Q You remember when you were first married? A Yes, I do.
- Q When were you first married? A 5th day of September, '77.
- Q How old were you when you were first married? A I was 12 years old.
- Q That is all the knowledge you have of it is it? A Well that was the date that my mother's young master gave me, of course I was born in slavery; I was born in '61.
- Q Where were you born? A Nevada, Missouri; there is no colored people hardly ever asked in the early days about birth.
- Q Were you ever in jail? A Many a time, for fighting about my husband.
- Q How many times were you in jail? A I don't know; any time my women got after him I whipped her; anybody will tell you that.
- Q Give us an idea of how many times you have been in? A I don't know; I never kept count; I was in jail nearly the whole four or five or six years while I lived with him.
- Q Have you ever been in jail since then? A No sir, only on false pretenses, when he tried to get me to live with him and I beat him and I have got a witness for it; that is the only man I ever married.
- Q Have you any children? A Yes sir.
- Q How old are they? A My daughter is 27 years old.
- Q 27 years old? A Yes, she is 27 years old.
- Q She was born before you married then? A Yes.
- Q How long before you married your husband? A Well, she, was, I have got 2 children.
- Q You were married in '77? A I have got two children, both of my children were born before I was 17 and before I was married.
- Q You have been married then about, your daughter was born about how long, about two years before you were married, that right? A Yes sir.
- Q Then you wasn't but ten years old at the time your daughter was born according to your testimony; you say you were married when you were 12? A Yes, I was.
- Q You stick to that do you? A Yes, as near as I was told.
- Q You came to Fort Scott in '85? A Yes sir.
- Q You were 2 years old at that time? A Yes sir.
- Q You remember the event well do you, when you came to Fort Scott?
- A Yes, I remember a little about it.
- Q You remember a little about when you were 2 years old? A Yes sir.
- Q You remember seeing Becky Webber as soon as you got there? A No, all I remember the government soldiers bringing them in there by the hundreds; she was with the rest of them.
- Q You lived there and left there in '89? A Yes, and stayed until '92.
- Q You were eight years old then when you left there? A In the neighborhood of that.
- Q You had seen Becky Webber frequently before you left there, and you remember her now? A Distinctly; I remember her distinctly, and all the rest of them.

Q Ever seen her since then? A Yes, I have.
 Q Where was she in '66? A She was in Fort Scott.
 Q You remember that do you? A I am pratty certain she was.
 Q Do you remember she was in Fort Scott in '66? A If she come with the rest she was there, and she certainly came with the rest.
 Q Do you remember her being in Fort Scott in '66? A Yes sir.
 Q You swear she was there? A Of course I do.
 Q You were five years old at that time? A Yes sir.
 Q And you saw her? A Yes sir, if I could remember her at two years I could remember her at five.
 Q Do you remember it at two? A Yes, I do; and there's lots of people in this house knows I do.
 Q How old a woman was Becky Webber in '66? A Well from the first time I saw her I judge her to be about 40 or 50 years old. She was an old woman then.
 Q You left Fort Scott in '68 and came back in '78? A Yes sir.
 Q Becky Webber was living in Fort Scott all the time you were there? A Yes sir.
 Q You remember that distinctly? A Yes sir.
 Q When were you first asked about this? A Last fall I think it was.
 Q Last fall was the first time you had your attention called to this matter? A Yes sir.
 Q You remember it then forty years back, seeing Becky Webber in Fort Scott, when you were five years old? A Yes sir, I remember it.

Richard Drake, being first duly sworn and being examined testified as follows:

By Mr. Hastings:

Q What is your name? A Richard Drake.
 Q What is your age? A About 50.
 Q What is your postoffice? A Fort Scott.
 Q How long has that been your postoffice? A Since '79.
 Q Did you ever know a colored woman up there by the name of Becky Webber, Fort Scott, Kansas? A Yes sir, I know her.
 Q When did you learn to know her? A About the time I lived in Fort Scott, soon after.
 Q Did this Becky Webber you remember that you know have any family of children? A I think she had two sons and two daughters, I think.
 Q What are the names of her sons? A I think one of them was named Ellis Webber.
 Q What was the other one's name? A Lewis, I think.
 Q What was her daughter's name if you remember? A I think the oldest daughter was named Lucinda.
 Q You recollect the other one? A The other one I just can't call the other one just now.
 Q How long did you continue to know Becky Webber there in Fort Scott after you came back, learned to know her in '70? A Until along about, I guess it was about '88 or '89, the last I saw of her.
 Q Did you know her continuously from that time up until '92 or '93? A Yes.
 Q Keep house there? A Well I think in '92 or '93 she went out in Colorado and came back there.
 Q I mean from '70 up until '88 or '89? A Oh yes, they had a house there.
 Q Ellis lived there all this time? A No.
 Q How long did you know Ellis there after you were there from '70? A Well best of my knowledge Ellis left there about '74.
 Q How about the rest of those children? A Well I think the oldest daughter left there about '74, or possibly before.
 Q Ellis living there until she was when you first knew them? A Yes sir.
 Q And can you show your house afterwards? A Yes sir.

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- Q You remember how long this woman was gone away from there in '92 or '93? A No, I don't know exactly the time.
- Q You know how long she was gone, I say? A No, I say I don't know exactly the time.
- Q Does she live up there now? A Not that I know of.
- By Mr. Mellette:
- Q Where was Becky Webber the applicant, in '66? A I don't know.
- Q When did you see Becky Webber last? A Well the last, it was along about '92 or '93.
- Q Do you know whether she is the Becky Webber that is applying here for citizenship or not? A Do I know whether it is? Well if I would see her I could tell you.
- Q Well I know, but you don't see her? A No.
- Q You don't know whether the Becky Webber you are talking about is the Becky Webber that has applied here for enrollment do you?
- A That is my judgment, it is.
- Q You don't know anything about it do you? A Well I understand from what the examining is it is her.
- Q Yes, but you don't know anything of your own knowledge? A Well if she was before me I could state it was her.
- Q Yes, but she is not before you, are you going to swear that the Becky Webber you are talking about is the Becky Webber that has applied for enrollment? A I don't know no other one.
- Q Is the Becky Webber that you are talking about the Becky Webber that has applied for enrollment here? A Well in my judgment it is.
- Q What makes you judge it? A Because I don't know any other.
- Q Do you know all the Becky Webbers in this country? A No sir.
- Q It might be an entirely different Becky Webber? A If it was her she wouldn't be, they would have different names.
- Q Are you arguing this case or testifying? you just answer plain but that you don't know whether the applicant is the one you knew up there in Kansas or not, do you? A Well, I do.
- Q Do you? A I think she is the same woman.
- Q Why? A Why.
- Q You have you ever seen the applicant, the woman that applies here as a Cherokee citizen? A I have not seen her lately.
- Q You don't know that she is the one you saw in Fort Scott do you?
- A Not unless I see her. Of course I couldn't see her.
- Q That you are not going to swear that she is the same one are you?
- A Yes sir.
- Q How do you happen to swear that? A Because, her name is here in the list.
- Q Maybe it is some other Becky Webber? A I don't think it is.
- Q Why don't you think it is? A You aint asked me about any other.
- Q Not talking about that; do you know the Becky Webber that has applied for enrollment is the one you knew in Fort Scott? A Yes sir.
- Q Were you here when Becky Webber made her application? A No sir.
- Q Did you ever see the woman before the Dawes Commission? A No sir.
- Q How could you swear that she is the one you knew? A How could I know the boy.
- Q Then you swear that she is the one you knew in Fort Scott, do you swear it? A Yes.
- Q Why do you swear it? A Because she is the one they are asking me about.
- Q Not talking anything about your asking you anything; I am talking about your, what you know as to whether she is the one you knew in Fort Scott; go ahead and explain yourself? A I think I have explained it.
- Q You swear that is the woman you - the one that applied for citizenship is the one you knew in Fort Scott, and you have never seen the woman that applied here have you? A I saw her in '92.
- Q Have you ever seen her since she applied or at the time she applied? A No, not since I haven't.
- Q Then you swear positively that she is the same one you knew up there in Kansas do you; yes or no? A Yes.

- Q Yes, she is the one, you say; you want it to stand that way?
 A Yes sir.
- Q Where is she now? A I don't know.
- Q Where does she live? A I don't know that.
- Q When did you last see her, the woman you are talking about?
 A I think it was about in '68.
- Q Never heard of her since that time? A I never heard of her until to-day.
- Q Where did she go from Fort Scott, she left you said didn't you?
 A I said she went to Colorado.
- Q The woman you are talking about went to Colorado? A Yes, but she come back.
- Q How do you know? A Because I saw her.
- Q Where did she go the second time? A I don't know.
- Q You don't know where the woman went, north, south, east or west, from Fort Scott do you? A No, not the last time I saw her I don't.
- Q You know whether she is in the Indian Territory or not? A No I don't.
- Q Then how do you swear she is the one that has applied here? A How do I?
 Q Yes. A (No response)
- By Mr. Mellette: I will withdraw that question.
- Q Now where was Becky in '76? A I don't know.
- Q You didn't see her in '76 did you? A Not, to my knowledge I didn't.
- Q She might have been down in the Territory in '76? A She might have and I wouldn't have known it.
- Q You don't pretend to have kept track of her all the time? A No sir.
- By Mr. Hastings:
- Q The Becky Webber you knew had a son named Ellis? A Yes sir.
- Q And a son named Lewis? A Yes sir.
- Q And she had two daughters that you have mentioned? A Yes sir.
- Q Is that the way you identify this woman and her family? A Yes sir, that's exactly it.
- Q Did you miss this woman from '70 to '83? A O yes sir, in between that time she left there; the Pacific road was built along by there where she had a little piece of property, and that is the way I first the thing, and I think during the time the Pacific Road bought that property.
- Q And then she left there? A Yes sir.
- Q About what time was the Pacific road built? A Well I think it began along about '81 or '8, somewhere along there.
- By Mr. Mellette:
- Q Where was Madia Webber in '78? A I don't know.
- Q How? A I don't know.

Elizabeth Davis, being first duly sworn and being examined testified as follows:

By Mr. Hastings:

- Q What is your name? A Elizabeth Davis.
- Q What is your age, Mrs. Davis? A 57.
- Q I believe you have testified that Fort Scott has been your postoffice since '63? A '63.
- Q You live there now? A Yes sir.
- Q Do you know a colored woman up there by the name of Becky Webber?
 A Yes sir.
- Q Did you know any of the members of her family? A I was not personally acquainted with the members of her family, but she has a boy named Ellis and I know a daughter Lurinda and Lydia; that is all I knew of the children; all I ever saw of them.
- Q Where did this woman live? A She lived over on, they called it Road land; the Pacific Road built right through her place and part of her lot.

Q When did you first learn to know her and her family? A Well knew her in '64 and '51.

Q How long did you continue to know her? A Oh, I knew that until up in the year 1880.

Q Ever do any work for you? A No, no, no, she never did any work for me.

Q She own property up there? A Yes sir. She worked at the Wilder House, a hotel.

Q You know when Ellis left there? A No I couldn't say, left there quite a while after the railroad went through there.

Q This woman had a son named Lewis, did she? A I don't know, I know Ellis, that's all I know.

By Mr. Hellette:

Q Where was Becky Webber in '86, Mrs. Davis? A I don't know, but I think she was in Fort Scott, she had a home there then.

Q You don't remember back now seeing her in any particular year can you? A No, I remember seeing her though every year and often, she visited a colored lady that lived close to me often there.

Q You didn't keep close watch on her did you? A No, I had no occasion to keep close watch on her.

Q You just paid such attention to her as you would ordinarily pay to a colored family in the neighborhood? A Yes, she was a nice, good woman, and a woman that everyone liked.

Q When were you first talked to about this matter? A I have never been talked to about it yet.

Q Nobody ever mentioned it to you until you come on the stand here? A I think some one did say something to me to-day.

Q You didn't know when you came down here that you were going to be asked about Becky Webber? A No.

Q And you never thought anything about Becky Webber particularly? A No.

Q As a matter of fact they told you to-day about Becky Webber and you remembered back 32 years? A It has not been 32 years since I saw her, I remember her very well, and very distinctly.

Q You know whether she came to the Cherokee Nation, the Indian Territory during the time you knew her, in Fort Scott? A I don't know, I know she went to Colorado once for her health.

Q She went to Colorado, but you don't know whether she went to the Territory or not? A No sir, I do not.

Minerva Runyon, being first duly sworn and being examined testified as follows:

By Mr. Hastings:

Q What is your name? A Minerva Runyon.

Q What is your age? A 48, I am in my 48th year.

Q Postoffice Fort Scott? A Fort Scott,

Q How long has Fort Scott been your postoffice? A Since '62.

Q Did you know a colored woman named Becky Webber? A Well, I, just slightly, yes.

Q Did you know her family? A Well some of the children I know.

Q You remember any of their names? A There was Linda and Ellis, I believe that's all the names I can call, they never lived in our neighborhood, (though I knew where she did live.

Q Where did she live? A She lived in a little, well they call it Toad-lope.

Q How long did she continue to reside there? A It was sometime in the '70's, I couldn't say just what time.

Q Number of years after the war? A Oh yes.

Q Did you see her frequently? A Oh I would see her frequently on the street.

Q You never missed her there for several years after the war? A No sir, I never missed her for several years after the war.

Q She had a son named Ellis? A Yes sir.

Q And a daughter named Lucinda? A Yes sir.

Q You remember Lewis? A Well I couldn't say that I do remember Lewis now.

By Mr. Hallett:

Q You say you last saw Becky Webber sometime in the '70s?

A Yes sir.

Q You mean by that she left there sometime in '70?

A No, I don't say she did leave there, I couldn't say that.

Q You don't know whether she did or not? A No I didn't see her enough to know.

Q Where was she in '66? A I couldn't tell you.

Q Is it a fact that she lived there up until '82? A I couldn't tell you that.

Q If she did you don't know anything about it? A I don't know anything about it.

Q Have you lived there up to this time? A I have lived there up to this time.

Q You haven't seen Becky Webber living there then since sometime in the '70s? A Sometime in the '70s.

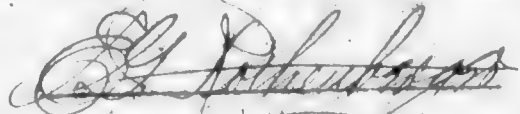
By Commission: This testimony will be filed and made a part of the record in the following Cherokee Freedmen cases: D-854, and D-435, D-584, and the case at bar.

I, M.D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.
(signed) M.D. Green.

I, A. R. Cheever, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing copy and that the same is a true and complete copy of the original manuscript.

A. R. Cheever.

I, the undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes that I made the foregoing copy and that the same is a true and complete copy of the copy made from the original manuscript.



Subscribed and sworn to before me this 12th day of April, 1902.



Notary Public.

Supl. - C. D. #92. Freedman.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 4, 1902.

SUPPLEMENTAL in the matter of the enrollment of **MARTHA GALES**
as a Cherokee freedman:

Appearances:

L. T. Brown, Vinita, I. T., Agent for applicant;
L. B. Bell, Cherokee Representative.

Commission: It is directed that copies of the testimony
had this day, to-wit: the 4th day of March, 1902, of Elizabeth
Davis and Minerva Runyan in the case of Russell Henderson,
D.#929, be filed with and made a part of the record in the
case of Martha Gales, D.#92, and Susan Brown, D.#93a.

Mr. Brown: for the purpose of contradicting the former
testimony of Elizabeth Davis.

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I hereby certify upon my official oath as stenographer to the
Commission to the Five Civilized Tribes that I correctly recorded
the proceedings had on the above date, and that the foregoing is a
true and complete transcript of my stenographic notes thereof.

J. H. Mason Stenographer.

File with case of Martha Gales, C. F. D. #92.

Supl.-C.F.D.#929.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 4, 1902.

SUPPLEMENTAL testimony in the matter of the enrollment of
RUSSELL HENDERSON as a Cherokee freedman, introduced on part of
the Cherokee Nation:

Appearances:

Mellette & Smith, Vinita, I.T., Attys. for Applicant;
W. W. Hastings, Cherokee Representative.

ELIZABETH DAVIS, being duly sworn, testified as follows
on part of the Cherokee Nation:

MR. HASTINGS:

- Q What is your name? A Elizabeth Davis.
Q What is your age? Mrs. Davis? A 57.
Q What is your post office? A Fort Scott, Kansas.
Q How long has that been your post office? A Since '83.
Q Did you know a colored woman up there by the name of Rachel Webber? A Yes, sir.
Q When did you learn to know her? A I knew her in '60, about '68 along until seventies.
Q Did she ever marry? A She married a man by the name of Ed. Henderson.
Q How long did she live with him? A I don't know how long she lived with him; she had two children.
Q You don't remember the names of those children? A No, sir; I just know of them and that is all.
Q What did Ed Henderson do there? A He was a barber; he was a barber there when I went there, the only barber there was in the town.
Q Did he move away from there? A No, sir; he lived there until he was put in the penitentiary.
Q Is he in the penitentiary now? A Yes, sir; he died in the penitentiary.
Q Did you see this Rachel Webber there like you did other people? A Yes, sir, I have seen her passing around.
Q You know of her marrying Ed Henderson? A Yes, sir; having those babies, two of them, and know of them separating, but I don't know the dates; I never paid enough attention to it to know about that.
Q That was after the war? A That was in the seventies.
Q When they separated? A Yes, sir.
MR. MELLETT:
Q What year did you last see Rachel Webber? A I don't know what year I saw her last, but it was in the seventies.
Q How do you know that? A Because I know that she was married to Ed Henderson in the seventies.
Q Now, what time in the seventies, you know the seventies extend over a period of ten years? A It was in '71.
Q Do you swear it was in '71? (No response.)
Q Are you positive about that? A I am positive it was in '69 or '70.
Q Where were you first spoken to and asked what you knew about this witness Webber? A I was first spoken to about it yesterday.
Q Yesterday; now then it has been 30 years since you first saw her hasn't it? A No, sir, it hasn't been 30 years, I don't think.
Q How long has it been since you saw her? A I saw her in '75 or '76, somewhere along there.

- Q Now, which was it, '65 or '76? A Well, it was either one or the other.
- Q Now, you don't know which one, do you? A No, sir.
- Q That has been 25 years ago; is there any particular reason you had to know this woman? A No, sir; only I read in the papers of the separation.
- Q She was a colored woman? A Yes, sir.
- Q You didn't pretend to keep track of where, her whereabouts all the time, did you? A No, sir.
- Q Where was she in the year '67? A I don't know.
- Q Do you remember of seeing her in that year? A No.
- Q Where was she in the year '66? A I don't know where she was; she was there though.
- Q As a matter of fact it is impossible for you to remember back 30 years and know a particular year when you did or did not see this woman? A I know that they were there; and that they lived there in the sixties and seventies.
- Q Well, now, the sixties and seventies extend over a period of 20 years; you mean a portion of that time they were there? A Yes, sir; I mean that they were there and lived there and had their residence there.
- Q You don't pretend to say that this woman didn't come down to the Cherokee Nation during that time, do you? A No, sir.
- Q You don't know what she did do; you said a while ago you saw her passing and repassing? A Yes, sir; and I say I know of her marrying Ed Henderson.
- Q Well, did you have a personal intimate acquaintance?
- A No, sir, I don't know as I ever spoke to this woman.
- Q You don't know that you ever spoke to this woman; 30 years now you go back and say-? A Yes, sir, I know of this woman and know of her marrying Ed Henderson and separating and having two babies; you know these things was in the papers.
- Q Do you know Ed Henderson was her husband? A Yes, sir.
- Q I will ask you if Rus Henderson was not her husband?
- A No, he was not.
- Q You are certain of that? A Yes, I am certain of that.
- Q What makes you remember that; you had never spoken to this particular woman? A I had never heard tell of Rus Henderson.
- Q Now, do you say that this woman Rachel Webber is that one you have been talking about? A Yes, sir.
- Q Do you swear that she married Ed Henderson? A I swear that she pretended that x they was; what they said, that she married him.
- Q When did you hear that? A I heard it in I suppose in about '69.
- Q Well, do you remember that it was in '69? A I can't keep the dates.
- Q Did you know Ed Henderson? A Yes, sir; I knew of him, I seen him in his barber shop every day.
- Q Were you acquainted with him? A No, sir. Only that he was Ed Henderson and kept a barber shop there.
- Q Why should you remember it was in 1869 they married?
- A I don't know why I should remember, I do though.
- Q You swear they married in 1869? A It was somewhere in '68, '69 or '70.
- Q Then you allow yourself a considerably wide range? A Yes, sir.
- Q This is the third case you have testified in since yesterday, isn't it; identifying freedmen as living in Fort Scott, Kansas?
- A Yes, sir, and they lived there too.
- Q And you are trying to identify a woman here with this woman you never saw there?

Mr. Hastings: You have got the right to cross-examine the witness; you have got no right to argue the case with her.

Q Did you know anything about Martha Gales, a colored woman, that lived up there? A Yes, sir.

Q I will ask you if Martha Gales didn't marry Ed Henderson?

A Yes, sir, he lived with Martha Gales quite a while.

Q When? A He lived with Martha Gales in the sixties, from '65 I guess until '68 or '9

Q I will ask you if he was not married to her when he was sent to the penitentiary? A No, he was not.

MR. HASTINGS:

Q You remember knowing this man when he lived with Martha Gales?

A Yes, sir.

Q And after their separation he lived with this woman? A I knew him, very well acquainted with him, when he lived with Martha Gales; she was a hair dresser.

Q And then after the separation he married this woman?

A Yes, sir; he married Rachel Webber.

Q Did you ever miss Mrs. Rachel Webber from there until 1869 or '70? A No, sir, I never knew of her coming away after the separation.

MR. MELLETT:

Q You don't know whether she came away or not do you?

A No, sir; I don't know when she came away; I know they separated, I read that in the papers.

Q Where is Henderson? A He is dead, I heard the other day.

Q When did you hear that? A The other day.

Q How long ago? A A week or two ago.

Q You swore when you were here before he was living? A No, I swore he was at Fort Scott; I didn't then know he was in the penitentiary.

Q Didn't you swear on the 17th day of February, in the case of Martha Gales, that this man Henderson was living at that time?

A No, I didn't swear he was living, because I didn't know; they asked me where he was and I said in Fort Scott the last I knew of him; since I went there I heard he died in the penitentiary.

Q Now, say if you give this testimony in the case of Martha Gales: What because of Henderson? He is there yet? Did you swear that in the Martha Gales case? A I guess I did; because I thought he was there.

Q Are you swearing what you know or what you think? A How do you know it, unless you think.

Q What made you swear he was there if he was not there?

A Because I supposed he was there.

Q Are you swearing by what you know or by what you suppose?

A He was there the last of what I know.

Q You said he died in the penitentiary? A Yes.

Q You didn't know when you swore that Ed Henderson was up there whether he was or not? A No, I could not swear that my boy was up there.

Q You hadn't seen Ed Henderson there had you? A Yes, I seen him not over three months ago.

Q Didn't you swear just now in this case that he died in the penitentiary? A Yes, sir; he was sent up there last fall and I heard since I was here before that he was dead, and I read that in the paper, that is the only thing I know about that.

Q You say: Henderson is living up there yet? Yes, sir?

A Yes, what I supposed too.

Q I will ask you if a matter of fact he has not been dead three years? A I don't know.

Q You know, Mrs. Davis, whether he has or not; if you seen Ed Henderson in the past three years? A Just let me think whether I have or not; I don't know. Ed Henderson was there at the corner, I never knewed anything about his going away.

Q Just an swer my question, have you seen Ed Henderson within the past three years?

A I can't say; I don't know.

Q Did you say you saw him about three months ago? A I know he ain't been dead three years.

Q Did you not swear a while ago that you saw him just before you came down here on the other case? A No, sir; I didn't.

Q And didn't you swear in that Martha Galea case that Ed Henderson was living up there yet? A Yes, sir, because I supposed he lived there yet.

Q You are swearing by what you suppose? A That is the way everybody swears, of course.

Q How many cases have you been a witness in down here?

A I guess three or four.

Q How many did you witness in when you came here the first time, 17th of February? A Two I guess.

Q Then you have been a witness in three this time, haven't you?

A Yes.

MR. HASTINGS:

Q Mrs. Davis, you knew Ed Henderson? A Yes, sir.

Q And when you were down here before you hadn't missed him?

A No, sir, I didn't know he was gone.

Q Your attention was not especially directed to the last two or three years? A No, sir.

Q When you went back you made inquiries and found out he went to the penitentiary? A Yes, sir.

MR. KELLETT:

Q You hadn't missed him? A No, sir.

Q If he has been dead three years you don't know? A No, sir.

MINERVA RUNYAN, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HASTINGS:

Q What is your name? A Minerva Runyan.

Q What is your post office? A Fort Scott, Kansas.

Q What is your age? A 48.

Q Did you know a colored woman by the name of Rachel Webber who married Ed Henderson? A Yes, sir.

Q Did you know Ed Henderson? A I did.

Q About when did you learn to know Rachel Webber? A Well, it has been about seventy something or another, I just could not say.

Q After the war? A Yes, sir; it was after the war.

Q Where did you know her? A In Fort Scott.

Q When did you know Ed Henderson? A Well, I knew him, it must have been in the '60s. I knew him before I did her.

Q Did they live together as husband and wife? A Yes, sir.

Q You remember about how long they lived together up there as husband and wife? A No, sir; I could not say.

Q Do you know whether they had any children or not?

A I knew they had one.

Q Do you know the name? A No, sir.

Q Born up there? A Yes, sir.

Q Do you know whether they continued to live together or whether they separated? A Well, at the best of my knowledge they separated.

Q What did Ed Henderson do up there? A He was a barber.

Q Now, how long did you continue to know him around there?

A Well, I could not say just what time in the sixties.

Q You mean further on up the other way? A Well until his death.

Q You understood he died? A Yes, sir; I understood he died; I could not say positive for that; it was just through the paper. I could not swear to that for I didn't see it.

MR. MCELLETTE:

- Q When did he die, Ed Henderson? A Well, now, I could not just tell that.
- Q Well, how long ago, Mrs. Runyan? A If I remember rightly, it was in the fall; in the fall or latter part of the summer.
- Q What year? A 1901 I think.
- Q Do you swear to that positively? A No, I don't swear to that positively.
- Q You saw it in the paper? A Yes, sir.
- Q Well, now, Mrs. Runyan, if you can't fix the time when Ed Henderson died, how can you go back 30 years and locate a colored woman with whom you weren't well acquainted? A Because they lived right there in the town where we did.
- Q I know, if you can't tell within a year when Ed Henderson died, how can you remember the time away back yonder, in the sixties? A I don't believe he married in the sixties.
- Q When did you first see Rachel Webber? A When I first saw Rachel Webber, in the seventies.
- Q What year? A I can't tell the year; best of my recollection it must have been about '73; I know it was a few years before I was married.
- Q What makes you think it was in '73, that has been about 30 years ago now? A How one thing that I can go by, my sister and I were passing her house once about three years before I was married and we was crossing a little stream, crossing that stream the plank broke and I went in her house and wrung the water from my clothes, and there was one child there at that time; that is there I got the one for child from.
- Q Well, now, there is three years before you were married you went passing Rachel Webber's house and fell in the water? A Yes, sir.
- Q And that was about three years before you were married? A Yes, sir.
- Q And how long ago have you been married? A 26 years.
- Q And that was about 29 years ago? A Yes, sir.
- Q Is that the Rachel Webber that is concerned in this case? A Well, that is a Rachel Webber.
- Q I ask you the question? A Yes.
- Q Answer it; I asked you if that was the Rachel Webber that is concerned in this case? A Well, I don't know.
- Q How many cases have you been to witness here yesterday and today? A Three.
- Q You have identified certain freedmen that were living in the town of Fort Scott thirty years ago? A Yes, sir.
- Q How old were you in 1870? A In 1870?
- Q Yes. A I was about 18 I guess.
- Q Were you acquainted with Rachel Webber? A Well, not personally acquainted with her, no.
- Q Ever speak to her? A Yes, sir.
- Q Well, now, when did you first see her; when did you first remember seeing her, what year? A I don't know.
- Q Where was she in 1866? A I don't know.
- Q Where was she in 1867? A I don't know.
- Q Where was she in 1868? A I don't know.
- MR. HASTINGS:
- Q You know that about three years before you were married you stopped in there and she had one child? A Yes, sir.
- Q That is the same Rachel Webber that he Ed Henderson for a husband? A Yes, sir.

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I, J. O. Reason, do hereby certify as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had this day in above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Reason

foregoing testimony and proceedings in the above named case, and the
I, Mattie E. Dwyer, being duly sworn, state that as aforesaid.

Notary Public.

(Sworn) (argued) S. G. Hunter.
this 18th, day of June, 1908.
(argued) E. G. Beppenhoffer.

a fine and was... of his stenographic notes thereof.
the testimony and proceedings in the case, and that the foregoing is
to the Commission to the five civilized tribes, and that the foregoing
the... being duly sworn, states that as aforesaid.

at this time to be filed in D-65 and D-66.
COMMISSION: To be filed in case of Hills... and the case

8092

of the... matter of record... what he raised.
I would suggest right here it would be better to get his answer, and
have been raised upon by the... the fact I know it would
of West the Cherokee courts... Yes sir, the ques-
tion, was the question of the introduction of the person and not
introduction of the person, which was the question raised in this
case will be resolved in order... the introduction is so the
trial either by the jury or the court. The introduction of evi-
dence in the commission that the... by answer and go to
question of the person is raised, and... whether unless it
directed law in and court in the world the question of the jury
by jury, Yes sir, it went to first by jury, and it was over-
by answer and by introduction of proof.

question that could be raised upon... but it must be raised
overruled on the ground... I have just stated that it was the of-
ficer did overrule the motion, and his opinion will show that it was
to determine being tried, which I am satisfied I am, the presiding
let the case go to trial? A If I am correct in such a motion
then... did, not overrule the motion to determine and
I will ask you if it is the fact that T. M. Dwyer, who was
called.

when the proceedings showed that he was entitled to me and me in the
raised by answer and by introduction of proof, and not be proceedings
and not what the law was; I took the position that could only be
A My recollection is he did, and his recollection is as attorney
tried against of the Cherokee Nation.
the District, who is the applicant in this case, was not a record-
book, your time trial to determine the suit, for the reason that
I will ask you if the defense in that case did not make a motion

File with M. D. 92, Martha Gales.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T. MAY 31st, 1902.

In the matter of the application of Lewis T. Brown for the enrollment of himself as a Cherokee Freedman.

Applicant appears in his own behalf; Cherokee Nation by W. W. Hastings and J. S. Davenport.

W. W. Hastings, being sworn and examined, testified as follows:

BY LEWIS T. BROWN:

- Q State your name? A W. W. Hastings.
Q What is your age? A 35.
Q What is your post-office address? A Tahlequah, I. T.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Mr. Hastings, what official positions, if any, have you held in the Cherokee Nation and under the laws of the Cherokee Nation?
A I don't believe I could remember them all; I have been on the Board of Education, Attorney General for the Cherokee Nation, and I represented it several times at Washington and before these Commissions. Those are some of them.
Q Where were you born? A I was born in Arkansas.
Q State of Arkansas? A Yes sir.
Q Do you know the applicant in this case? A Yes sir.
Q State whether or not you ever represented the applicant in this case in a civil suit in the Cherokee Court?

J. S. DAVENPORT: I object to that for the records will show it.

COMMISSION: Objection will be noted.

Answer the question.

A I believe I did, although it never came to trial, if that is my recollection of it.

Q Do you know why it didn't come to trial?

A I am not really positive; my impression is it was pending there when the Curtis Bill was passed, in the Delaware District Court; I am not certain however.

Q Wasn't it in the Supreme Court of the Cherokee Nation at Tahlequah?

A I t might have been.

J. S. DAVENPORT:

Q Do you remember any of the questions raised by the defendant in that case as a defense to the right of the plaintiff, one of who was the applicant, Lewis T. Brown, to obtain his action of that court?

A I don't want to do the applicant any injustice. My recollection is very meagre about that case. I know there was a case pending over there and I don't remember the date of it or the disposition of it, whether it was pending there or before the Supreme Court when

the Curtis Bill was passed. I don't believe I represented him when it came up for trial. My recollection is it went off on some ground, but I don't know what it was. I do not think I tried this case or was present when it was tried in the Circuit Court of Delaware District.

BY MR. BROWN:

Q I will ask you if you were together with Mr. Thompson, attorney for the applicant before the Supreme Court of the Cherokee Nation together with Mr. James S. Davenport when this case was pending there?
A Well, I think I was.

JAMES M. KEYS, being sworn and examined, testified as follows:

LEWIS T. BROWN:

Q State your name? A James M. Keys.
Q What is your age? A 69 years.
Q What is your post-office address? A Chouteau.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Mr. Keys, when did you leave the Cherokee Nation for the first time? A During the war, my first time.
Q When did you return? A In '66.
Q When did you next leave, going out to stay any length of time?
A I don't remember when I did leave, I went out of the country about '71, I think.
Q How long were you gone? A About four or five years.
Q Have you ever held any position by the Cherokee authorities?
A Yes sir.
Q When you returned were you re-admitted? A No sir.

J. S. DAVENPORT: I object to that as being immaterial.

L. B. BELL, being sworn and examined, testified as follows:

BY LEWIS T. BROWN:

Q State your name? L. B. Bell; 64 years old; Vinita.
Q You are chief counsel for the Cherokee Nation in this matter?
A Yes sir.
Q Are you a recognized citizen of the Cherokee Nation? A Yes.
Q When did you leave the Cherokee Nation for the first time to go south? A Why I could'nt hardly tell you; I moved my family south in '61. I was up here in the Cherokee Nation most of the time until '63, when the federals kicked us out.
Q Did you know B. W. Bushyhead, who is dead?
A I did when he was alive.
Q Do you remember when he left the Cherokee Nation and went to California? A In about 1849
Q Do you remember how long he was gone?
A I think he came back in about '68.

J. S. DAVENPORT: I object to testimony being taken in the action of Mr. Bushyhead or any other Indian by blood, because the treaty relating to the rights of freedmen and the general law relating to Cherokees are absolutely different, one was a condition precedent and one a condition subsequent.

LEWIS T. BROWN:

The applicant calls the attention of the Commission to that portion of the treaty of 1866, which says: "That all former slaves of Cherokee citizens who were emancipated as such, and returned to the Cherokee Nation ~~after~~ within six months after the 19th of July, 1866, should have all the rights of a full-blood Cherokee; and also invites the attention of the Commission to the decision of the United States Court of claims on this

matter in the case of Moses Whitmire, trustee vs. Cherokee Nation of the United States.

Q After Mr. Bushyhead returned to the Cherokee Nation did he ever hold any position according to the laws of the Cherokee Nation?

A Yes sir.

Q What positions, if any, did he hold? A He was treasurer about eight years and chief about the same length of time.

Q Was he ever re-admitted to citizenship after his return?

A I could'nt answer that. I guess the law book would show that; I have no recollection about that, whether he was or was'nt.

Q Isn't it a matter of history that he was'nt?

A I could'nt say that it was a matter of history; I have heard it questioned.

Q Were'nt you questioned about that before the Kern Clifton Court?

A I don't recollect; I have raised the issue myself in a matter of politics half a dozen times by saying he was'nt a citizen.

Q Did you raise the issue that he was never re-admitted?

A I suppose that is the ground.

James S. Davenport, being sworn and examined, testified as follows:

BY W. W. HASTINGS:

Q State your name? A James S. Davenport.

Q What is your age? A 37.

Q Your post-office is Vinita? A Yes sir.

Q Were you a practicing attorney before the Cherokee Court before the passage of the Curtis Bill? A Yes from February '93 up until the passage of the Curtis Bill.

Q Were you one of the attorneys in this same suit that I was inquired of by the applicant in this case? A Yes sir, I was one of them that brought the suit for himself and sister, Ella.

Q Did you try the case?

A I tried it in the Circuit Court for Delaware District.

Q Do you know whether the question of their citizenship was raised in that court? A Yes sir, I do, and that is the reason why I objected awhile ago to the introduction of oral testimony for the reason that the records would show the question that was raised in the case. There is no doubt but what the facts so far as the acquisition of the propriety were concerned showed the right of Lewis and his sister, ~~is~~ Ella Hill, to recover, but Mr. Akin, who represented Mr. Leforse as his attorney raised the question by his answer that neither of the plaintiff's were recognized citizens of the Cherokee Nation, and were not entitled to participate in the division of lands and to hold improvements upon the public domain of the Cherokee Nation. The question of their citizenship was brought out all along the line, and before the jury in the evidence, and we lost the case in the lower court, and my recollection is that it was pending on appeal to the Supreme Court of the Cherokee Nation at the time of the passage of the Curtis Bill.

LEWIS T. BROWN:

Q Is it a fact that Mr. Akin, who represented the defense in that case contended that by reason of the fact that the applicants were not upon the 1880 roll, was not entitled? A No sir, the answer was that they were not citizens, not entitled. You better go and get that so as to save this trouble.

Q I will ask you if the defense in that case did not make a motion before going into trial to dismiss the suit, for the reason that the plaintiff, who is the applicant in this case, was not a recognized citizen of the Cherokee Nation?

A My recollection is he did, and my recollection is as attorney and not what the law was; I took the position that could only be raised by answer and by introduction of proof, and not by pleadings when the pleadings showed that he was entitled to sue and sue in the court.

Q I will ask you if it isn't a fact that T. H. Buffington, who was then Judge of that court, did not overrule the motion to dismiss and let the case go to trial? A If I am correct in such a motion to dismiss being filed, which I am satisfied I am, the presiding judge did overrule the motion, and his opinion will show that it was overruled on the ground which I have just stated, that it was not a question that could be raised upon preliminary motion when the citations showed the parties to be citizens, but it must be raised by answer and by introduction of proof.

Q Is it not a fact that the case went to trial and went to trial by jury? A Yes sir, it went to trial by jury, and if you ever practiced law in any court in the world the question of the jurisdiction of the person is raised, and in any way whatever unless it showed in the complaint that the party does not reside within the jurisdiction of the court it will be raised by answer and go to trial either by the jury or the court, and the introduction of evidence will be required in order to settle the question as to the jurisdiction of the person, which was the question raised in this case, was the question of the jurisdiction of the person and not of the propriety.

Q Well the Cherokee Courts did try this case? A Yes sir, the Cherokee Court did try this case and not the Courts, and I presume would have been passed upon by the Supreme Court; in fact I know it would. I would suggest right here it would be better to get his answer, which is a matter of record showing exactly what he raised.

COMMISSION: To be filed in case of, Ella Hill D-256. and the case at bar; also to be filed in D-92 and D-93.

The undersigned being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in the case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(signed) E. G. Rothenberger.
Subscribed and sworn to before me this 19th, day of June, 1902.

(Seal)

(signed) P. G. Reuter,
Notary Public.

I, Mattie E. DeWitt, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I copied the foregoing testimony and proceedings in the above stated case, and the same is a true copy from the original.

Mattie E. DeWitt

Sworn to and subscribed before me this 7th, day of August, 1902.

Bruce Jones
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of Martha Gales for enrollment as a Cherokee freedman.

Applicant appears by Lewis T. Brown; Cherokee Nation by W. W. Hastings and J.S. Davenport

Charles Foreman, being sworn and examined, testified as follows:
By Lewis T. Brown: State your name? A Charles Foreman.

Q What is your age? A I don't know exactly, I am about fifty years old.

Q What is your postoffice address? A Mufaula.

Q Are you a citizen of the Cherokee Nation? A Yes sir.

Q Mr. Foreman, were you a slave in the Cherokee Nation at the beginning of the war? A Yes, sir.

Q Did you go out of the Cherokee Nation during the war? A Yes sir, I went with Mr. Ross to Philadelphia.

Q When did you return in what year? A It was in '66.

Q Do you know Mr. F. N. Nash who lives in Fort Gibson? A Yes sir.

Q Do you know Nip Blackstone and a man by the name of Smith who used to live in the vicinity of Fort Gibson? A Yes, I knew them.

Q Are you the Charles Foreman referred to in their testimony in this case as having run a barber shop in Fort Gibson in '66? A Yes sir.

Q Who else if any one run a shop at that time? A That was me and Henry Seales and Pomp Brown's son.

Q Did you know Bill Brown during his life time? A Yes sir.

Q Did he run a barber shop there during that year? A Yes sir.

Q Did you see Pomp Brown there during that year? A Yes sir.

J. S. Davenport: You went out of the Indian Territory with W. P. Ross and Chief Ross? A Yes, with William Ross.

Q Now you testified this morning in your case didn't you? A Yes sir.

Q When you said a while ago that you were a citizen of the Cherokee Nation you didn't mean it did you? A I belong to it.

Q You are a colored freedman, a claimant, to citizenship? A Yes sir.

Q Now in your own case this morning in giving your testimony, I will ask you if you didn't testify that you returned to the Cherokee Nation about a month after the remains of Chief John Ross was brought back to the Cherokee Nation, did you, or did you not testify that? A It has been so long.

Q It has been four hours since you testified? A I am short minded.

Q Do you remember whether you testified that this morning or not, don't you know? A Yes sir.

Q Did you or did you not testify this morning in your own behalf that you returned to the Cherokee Nation within about a month after Chief John Ross' remains were returned to the Cherokee Nation? A I don't know how long that was.

Q You testified that it was after his remains that you came back? A Yes sir, I testified I came back afterwards, as near as I can recollect.

Lewis T. Brown: You are the same man that F. N. Nash and Mr. Blackstone and Mr. Smith witnessed, introduced on the part of the Cherokee Nation, as having run a barber shop in the Cherokee Nation in the year 1866? A Yes sir.

J. S. Davenport: Did you hear them testify? A Yes sir.

Q Where did they give it? A Over at Gibson.

Q Had you applied then? A Yes.

Q Did you call them as a witness in your case? A I went to them.

Q Did you call them as a witness in your case? A I called them in to

Q You don't know? A (No response)

W. W. Hastings: The Cherokee Nation for the purpose of showing the time of the return of this applicant himself and for the purpose

3-Martha Gales-

of contradicting his testimony and for the purpose of showing that he himself was not a resident of Fort Gibson in the year 1866 offers the following testimony of Will P. Ross, now deceased, taken in the case of Willis Martin vs. Cherokee Nation and found in a Book taken from the records of the Executive Department of the Cherokee Nation, entitled "Register of evidence from Court of Commission, Chambers' Court, Book 'G', as follows: Page 388:

"Willis Martin vs. Cherokee Nation.

Statement of William P. Ross who being says:
'I was living in Fort Gibson in 1867. The cholera broke out here about from the 23rd to the 26th of June of that year. I brought the remains of John Ross, late chief, from Washington some time in May, of 1867 before the cholera broke out.' Will P. Ross.
April 24, 1879. Attest J. A. Scales, Clerk."

Lewis F. Brown: Applicant objects to the introduction of this testimony for the reason, first: That is it not shown that this has ever been sworn to, nor is it shown that it is the original copy of what it purports to be and if it is offered in evidence for the purpose of showing that the witness Charley Foreman himself was not here, it is in contradiction to the facts already proven by the Cherokee Nation's own witnesses.

Commission: The above proceedings will be filed and made a part of the record in the following freedom cases:

Susan Brown, D-98; Lewis F. Brown, D-94.
Ella J. Mill et al., D-386, as well as in the case at bar, being that of Martha Gales, D-98. The applicants in the above named cases are represented by Lewis F. Brown.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

J. H. Rothberger

Subscribed and sworn to before me this 19th day of June, 1882.

J. A. Scales

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Martha Gales, et al. for enrollment as Cherokee Freedmen, consolidating the applications of

Martha Gales,.....	Cherokee Freedmen	D	92
Susan Brown,.....	"	"	D 93
Louis T. Brown,.....	"	"	D 94
Ella J. Hill,.....	"	"	D 256

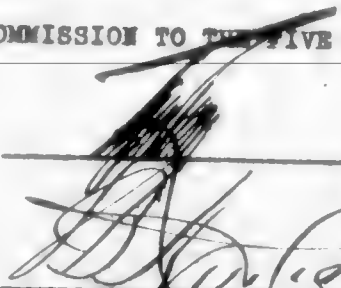
D E C I S I O N .

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission: by Martha Gales, among others, for herself; the other parties to her application, being differently classified, are not embraced in this decision; by Susan Brown for herself; by Louis T. Brown for himself; by Ella J. Hill for herself and her two minor children, Bessie and Herbert L. Hill. Copies of the testimony taken at various times in the matter of the applications of Besky Webber and Russell Henderson for enrollment as Cherokee Freedmen, are made a part of the record herein.

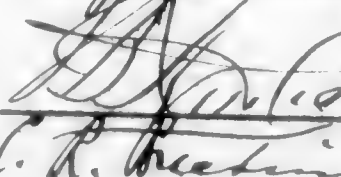
The evidence shows that Martha Gales, Susan Brown and one, Pomp Brown, were the slaves of a Cherokee citizen at the commencement of the rebellion; that they were taken out of the Cherokee Nation during the rebellion and that none of them returned to and in good faith established his or her residence therein until after January 19, 1867. The said Louis T. Brown and Ella J. Hill are the descendants of said Pomp Brown, born since 1866, and have no rights as Cherokee Freedmen, except such as they may have acquired through him. Bessie and Herbert L. Hill are the minor children of the said Ella J. Hill, and have no rights as Cherokee Freedmen, except such as they may have acquired through her. None of the applicants herein are found on the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Martha Gales, Susan Brown, Louis T. Brown, Ella J. Hill, Bessie Hill and Herbert L. Hill as Cherokee Freedmen, should be denied under the provisions of Section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

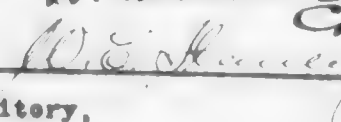
COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.



Commissioner.

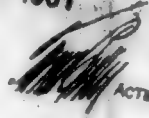
Dated at Muskogee, Indian Territory,
this APR 22 1908

2

3092

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 11 1901


ACTING CHAIRMAN

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

78 Wilson St. Sept 11, 1901.

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Amantia Gales for enrollment as
Freemen of the Cherokee Nation.

Louis T. Brown
Agent for applicant.

No. 7892

10

F. D. 92

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on *Martha Gales*

by delivering a true copy thereof on the
7 day of *September* A. D. 1901.

Given under my hand this *7*
day of *September* A. D. 1901.

John Parks
Marshal for Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
..... day of, 1901.

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to
.....
on the..... day of..... A. D. 1901

Subscribed and sworn to before me
this..... day of..... A. D. 1901.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Martha Gales
SEP 10 1901
Miss Poyee
ACTING CHIEF

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
SEP 10 1901
[Signature]
ACTING CHIEF

NOTICE!

IN THE MATTER OF The application of *Martha Gales*
for enrollment as a Cherokee Freedman:

Case No. F. D. *92*

To *Martha Gales Muskogee*

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of *Fort Gibson* Indian Territory, on the following dates, to-wit: *Sept 18, at 8 am* A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this *18* day of *Sept*, 1901.

L B Bell

Attorneys for the Cherokee Nation.

F. D. 92

E

X1592

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the within notice on

by delivering a true copy thereof on the day of A. D. 190...

Given under my hand this day of A. D. 190...

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the day of 190...

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A. D. 190...

Subscribed and sworn to before me this

Notary Public.

I, the undersigned agent for the within named applicant, hereby accept service of the within notice on this the

..... day of Oct 190...
Louis J. Brown
Agent for applicant

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
OCT 4 1901

[Signature]
ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Martha Gale,
for enrollment as Cherokee Freedmen:

Case No. F. D 92

To Martha Gale, or to L. T. Brown, her ^{agent} ~~attorney~~:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita,
Indian Territory, on October 5th, 1901, or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 4th day of October, 1901.

L B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

F. D. 92

H

1092

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the within notice on

by delivering a true copy thereof on the day of A. D. 190...

Given under my hand this day of A. D. 190...

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the day of 190...

.....
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a true copy of the within notice to

.....
on the day of A. D. 190...

.....
Subscribed and sworn to before me this

.....
Notary Public.

I, the undersigned agent for the within named applicant, hereby accept service of the within notice on this the

4 day of July, 1901
Louis J. Brown

Agent for applicant.

RECORDED IN THE CIVIL DIVISION

FILED
FEB 6 1902

[Signature]
ACTING CLERK

NOTICE!

IN THE MATTER OF the application of ~~Martha Gales et al~~
for enrollment as Cherokee Freedmen:

Case No. F. D. ⁹²

To Martha Gales or L. T. Brown her agent

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on FEB 17 1902 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this FEB 4 1902

L B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

92
F. D. _____

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the with-
in notice on _____

by delivering a true copy thereof on the
_____ day of _____ A. D. 190...

Given under my hand this _____
day of _____ A. D. 190...

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the

_____ day of _____, 1902

Joseph B. Brown
Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to _____

on the _____ day of _____ A. D. 190...

Subscribed and sworn to before me
this _____

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

APR 23 1902

[Signature]
ACTING CHAIRMAN.

NOTICE!

IN THE MATTER OF the application of Martha Gales,
for enrollment as Cherokee Freedmen:
Case No. F. D. 92
To Martha Gales:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on April 29, 1902, at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this April 26, 1902.

L. B. Bell

*W. W. Hastings
Jesse Davenport*

Attorneys for the Cherokee Nation.

Refer in reply to the following:

14786/1903.
20886/1903.
72259/1903.

Department of the Interior,
Office of Indian Affairs,
Washington, March 3, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith for the consideration of the Department, the record of the proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of Martha Gales for the enrollment of herself, which application includes other parties, but who are differently classified and whose cases are not now under consideration; of Susan Brown for the enrollment of herself; of Louis T. Brown for the enrollment of himself; and of Ella J. Hill for the enrollment of herself and her two minor children, Bessie and Herbert L. Hill; all as Cherokee freedmen.

On April 22, 1903, the Commission rendered a decision in this case, finding from the evidence that Martha Gales, Susan Brown and one Pomp Brown were the slaves of a Cherokee citizen at the commencement of the rebellion; that they were taken out of the Cherokee Nation during the rebellion and that none of them returned to and in good faith established his or her residence therein until after January 19, 1867; that the said Louis T. Brown and Ella J. Hill are descendants of said Pomp Brown, born since 1866 and have

no rights as Cherokee freedmen except such as they may have acquired through him; that the said Bessie and Herbert L. Hill are the minor children of the said Ella J. Hill, and have no rights as Cherokee freedmen except such as they may have acquired through her and that none of the applicants herein are found on the 1860 authenticated Cherokee roll.

By reason of these findings and facts, the Commission is of the opinion that these parties are not entitled to enrollment as Cherokee freedmen citizens of the Cherokee Nation and that their applications therefore should be denied under the provisions of Sec. 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495.)

On May 8, 1903, the Department forwarded what is termed an appeal from the decision of the Dawes Commission in the matter of the application of Louis T. Brown for enrollment as a Cherokee freedman and on November 7, 1903, a brief in behalf of the nation in said case was transmitted by the Department, both of which are enclosed herewith.

It appears from the evidence set out in this case that the testimony taken in the matter of the application of Becky Webber and Russell Henderson for enrollment as Cherokee freedmen is made a part of the record in this case and constitutes a large part of the evidence submitted herein.

I do not approve of this practice of the Commission of making the evidence in one case a part of the evidence in another

case, or in other words of taking the entire testimony submitted in a certain case and incorporating it bodily as testimony in another case. Such practice would not be permitted in any court and it is entirely foreign to all the rules, of evidence, unless done by the consent of both parties. In these Cherokee freedmen cases it invariably brings before the office and the Department a large amount of testimony which is no way relevant to the subject under consideration and that part of the same which may be considered relevant is adduced under entirely different circumstances and relates to an entirely different individual from the one under consideration.

Both the applicant and the nation as a rule are represented by attorneys, especially where the matter is much litigated, and these attorneys have access to this testimony that has been introduced in other cases and can easily submit in a much shorter way the testimony which they think is germane to the matter being investigated. I do not consider that it is fair either to the applicant or the Nation to lug in a lot of testimony which is taken at some other time and place in some other case and perhaps under entirely different circumstances, to try and prove some fact that may be at issue in the case then being heard.

Both the applicants and the nation have a right to cross-examine the witnesses called to testify against them and this right is precluded when the testimony is made a part of the record as has been done in this case.

Passing from this matter to the question at issue, I have gone through this testimony and find it very difficult to determine just what the facts are in the case. The brief of the applicant, Louis T. Brown, filed herewith and the brief of the Cherokee Nation both make quite a full statement of their respective claims.

There is a great deal of uncertainty about many of the alleged facts in said briefs, but on the whole I think the Nation has perhaps made out the best case.

The applicant, Louis T. Brown, makes strong contention that his grandmother, the mother of Pomp Brown, a Rosa Melton, was enrolled on the 1880 roll, page 708, No. 331, Sequoyah District, and that her enrollment had been approved by the Department, and therefore that the said Pomp Brown, being a minor in 1866, is entitled to enrollment as a descendant of his said mother. The Nation in its brief does not contest the fact to any great extent that Rosa Melton was the mother of Pomp Brown. It does state that there is no testimony that Pomp Brown ever lived with Rosa Melton, or that he ever made her place his home and that there is no testimony that Rosa Melton was a slave of Jim Brown, or that Pomp Brown lived in the same family with Rosa Melton prior to the war.

The nation then passes that question and sets out that its contention is that under the 9th article of the treaty of 1866, it was incumbent and necessary for the said Pomp Brown to have returned, himself, within the time prescribed by the treaty in order that

citizenship might attach to him; that he had no rights of citizenship in the Cherokee Nation prior to the war; that he never acquired any except by complying with the provisions of the treaty of 1866 and that there are no exemptions whatever in behalf of minors.

The nation then cites the opinion of Assistant Attorney General Van Devanter given May 31, 1900, wherein it is stated that infancy is not exempt from the limitations upon the time in which applications for citizenship by persons not on a tribal roll were required to be made by the act of June 10, 1896, but I do not consider that this opinion necessarily applies to the provisions of said Sec. 9, of the treaty of 1866.

I have heretofore held that the word "descendants" as used in said Sec. 9 is applicable to minor children of such Cherokee freedmen as did comply with its provisions, and if as a matter of fact the said Louis T. Brown is a descendant of the said Rosa Melton, and if her name is on the 1880 roll, then this applicant is entitled to enrollment without regard to his father's status, for Louis T. Brown is clearly a descendant of the said Rosa Melton if he is her grandson and comes within the very class which the nation in its brief admits would be entitled to the benefits of the provisions of said Sec. 9.

The Commission in its decision, does not pass upon this phase of the question, and I presume did not consider it necessary for some reason, but as that reason is not given I deem it necessary under the evidence and circumstances and in accordance with the law,

to hold that the said Lewis T. Brown is entitled to be enrolled as a Cherokee freedmen citizen of the Cherokee Nation, unless the Nation can show that the said Edge Halton was not his grandfather or that his name does not appear on the 1838 authenticated Cherokee roll. As to the other applicants herein, I concur with the decision of the Commission that their applications should be denied.

Very respectfully,

WCB-H.

Acting Commissioner.

Copy

Cherokee F.D-92

Muskogee, Indian Territory, April 24, 1903.

Martha Gales,

Muskogee, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 22, 1903, rejecting, among others, your application for the enrollment of yourself as a Cherokee Freedman.

There has heretofore been furnished your agent, Louis T. Brown, Vinita, Indian Territory, a copy of the record of proceedings had in the original application, and there has this day been forwarded to him a copy of the record of supplementary proceedings, together with a copy of the Commission's decision.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Tams Dixby.

Chairman.

Enc. M-100
Register.

COPY

Cherokee F. D.
92, 93, 94 & 256.

Muskogee, Indian Territory, April 24, 1903.

Louis T. Brown,
Agent for Martha Gales et al.,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of supplementary proceedings in the consolidated case of Martha Gales et al., together with a copy of the Commission's decision rejecting the applications for the enrollment of Martha Gales, Susan Brown, Ella J. Hill, Bessie Hill, Herbert L. Hill, and yourself, as Cherokee Freedmen. You have heretofore been furnished with a copy of the record of proceedings had in the original applications.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Tama Blount

Chairman.

Enc. M-101

Register.

COPY.

Cherokee F.D.
92, 93, 94 & 250.

Muskogee, Indian Territory, April 24, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Martha Gales et al., together with a copy of the Commission's decision, dated April 23, 1903, rejecting the applications of Martha Gales, Susan Brown, Louis T. Brown, Ella J. Hill, Bessie Hill and Herbert L. Hill, as Cherokee Freedmen.

Respectfully,

Jame Dixby
Chairman.

Enc. N-2152

Through the

Commissioner of Indian Affairs.

OPY.

Cherokee F.D.
92, 93, 94 & 256.

Muskogee, Indian Territory, April 24, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 22, 1903, in the consolidated case of Martha Gales et al., rejecting the applications for the enrollment of Martha Gales, Susan Brown, Louis T. Brown, Ella J. Hill, Bessie Hill and Herbert L. Hill, as Cherokee Freedmen.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Tame Bixby
Chairman.

Enc. M-152

(C O P Y)

W.C.F.

D.C. 12555.

DEPARTMENT OF THE INTERIOR,

FILE

WASHINGTON.

I.T.D. 1880-1904.

April 19, 1904.

L R B

Commission to the Five Civilized Tribes,
Muskegee, Indian Territory.

Gentlemen:

April 24, 1903, you transmitted the record in the consolidated Cherokee freedman case of Martha Gales, et al., (Cherokee F.D. 92, 93, 94 & 256), including your decision of April 22, 1903, rejecting the applications of Martha Gales, Susan Brown, Louis T. Brown, Ella J. Hill, Bessie Hill and Herbert L. Hill.

Reporting March 3, 1904, the Acting Commissioner of Indian Affairs states that under the evidence and in accordance with the law, the applicant Louis T. Brown is entitled to enrollment as a Cherokee freedman citizen of the Cherokee Nation, unless the Nation can show that Rosa Melton was not his grandmother, or that her name does not appear on the 1880 authenticated Cherokee roll. The Acting Commissioner concurs in your decision as to the other applicants herein.

The rights of the applicants will not be adjudicated at the present time. You are directed to notify the applicant, Louis T. Brown, and the attorney for the Cherokee Nation, of the recommendation of the Acting Commissioner, and to allow said attorney

thirty days in which to submit any additional argument he may desire, and the applicant ten days in which to answer same.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) Frank Ryan

Acting Secretary.

1 inclosure.

SPECIAL

JYJr.

DEPARTMENT OF THE INTERIOR,
D.C. 13261-1906.
WASHINGTON.

LLB

I.T.D.1850,5566-1904.

April 10, 1906.

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On April 24, 1903, the Commission to the Five Civilized Tribes transmitted the record, together with its decision, in the matter of the application for the enrollment of Martha Gales for herself; Susan Brown for herself; Louis T. Brown for himself, and of Ella J. Hill for herself and her two minor children, Bessie and Herbert L. Hill, all as Cherokee freedmen.

Reporting March 3, 1904, the Acting Commissioner of Indian Affairs stated that he believed the applicant Louis T. Brown was entitled to enrollment as a Cherokee freedman, unless the nation could show that Rosa Melton was not his grandmother, or that her name did not appear on the authenticated roll of 1880.

April 19, 1904, the Department informed the Commission that the attorneys for the Cherokee Nation would be given 30 days to submit additional argument and the applicants 10 days in which to answer the same.

June 24, 1904, the Commission forwarded the argument submitted by the attorneys for the Cherokee Nation, together with

a motion of the applicants, requesting the Department to refuse to consider the argument presented by the nation. This motion of the applicants was denied by the Department on November 26, 1904.

January 4, 1906, the applicants filed supplemental argument with the Department.

January 24, 1906, the Acting Commissioner of Indian Affairs transmitted the reply of the attorneys for the Cherokee Nation to the supplemental argument submitted by the applicants.

It appears from the record that on April 22, 1903, the Commission to the Five Civilized Tribes rendered a decision adverse to the applicants.

In view of the decision of the Assistant Attorney-General dated March 22, 1904, in the cases of Joseph Campbell and John Taylor, and of the decision dated December 14, 1904, in the matter of the Mary W. Greenleaf case, neither Louis T. Brown nor Ella J. Hill and her two children, Bessie and Herbert L. Hill, can claim any rights by reason of the fact that their grandmother's name appears on the authenticated roll of 1880.

The Department considers that the decision of the Commission to the Five Civilized Tribes dated April 22, 1903, denying the right of enrollment as Cherokee freedmen to Martha Galwe, Susan Brown, Louis T. Brown, Ella J. Hill, Bessie Hill, and

-3-

Herbert L. Hill is correct, and said decision is hereby affirmed.

Respectfully,

H. A. Hitchcock,

Secretary.

COPY.

C.F.D.92.

Muskogee, Indian Territory, April 19, 1906.

Martha Gale,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, rendered April 22, 1903, denying among others, the application for your enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on April 10, 1906.

For your information there is enclosed you herewith a copy of Departmental decision referred to.

Very respectfully,

(SIGNED).

J. M. O. Beall
Acting Commissioner.

Encl.
MCP-319.

Cherokee F.D.92.

COPY.

Muskogee, Indian Territory, April 19, 1906.

Pell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, rendered on April 28, 1903, denying the applications for the enrollment of Martha Dales, Susan Brown, Louis T. Brown, Ella J. Hill, Bessie Hill and Herbert L. Hill, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 10, 1906.

For your information a copy of the Departmental decision referred to is herewith enclosed.

Very respectfully,

SIGNED.

Wm O Biell
Acting Commissioner.

Encl.
MMP-619.

Cherokee F.D. 94.

COPY.

Muskogee, Indian Territory, April 19, 1906.

Louis T. Brown,
Attorney for Martha Gales et al,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 21, 1903, rejecting the applications for the enrollment of yourself, Martha Gales, Susan Brown, Ella J. Hill, Bessie Hill and Robert L. Hill, as Cherokee freedmen, was affirmed by the Secretary of the Interior April 10, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Very respectfully,

(SIGNED).

Wm. O. Beane
Acting Commissioner.

Encl.
MFP-119.

CHEROKEE FREEDMEN.

Date APR 27 1901

Post Office Mucogee

District Coconadiam

1. Name _____ Age _____

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____

Mother _____ Citizenship _____

Name of wife Martha Gales Age 58

Owners name Jim Brown Citizenship Cherokee

Year K Page 109 No. 2726 District Tuhl

Parents:

Father Charles Thompson Citizenship Cher 2

Mother Iby Brown Citizenship Col 8

Names of Children:

~~1. _____ Year _____ Page _____ No. _____ Dist. _____~~

~~2. _____ Year _____ Page _____ No. _____ Dist. _____~~

3. _____ Year _____ Page _____ No. _____ Dist. _____

5. _____ Year _____ Page _____ No. _____ Dist. _____

6. _____ Year _____ Page _____ No. _____ Dist. _____

7. _____ Year _____ Page _____ No. _____ Dist. _____

8. _____ Year _____ Page _____ No. _____ Dist. _____

9. _____ Year _____ Page _____ No. _____ Dist. _____

10. _____ Year _____ Page _____ No. _____ Dist. _____

11. _____ Year _____ Page _____ No. _____ Dist. _____

12. _____ Year _____ Page _____ No. _____ Dist. _____

Application made by no (1) Stenographer Jones B. G.

(1) "K.C. Roll" "Mattie Gales"

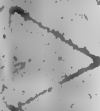
~~(1) "K.C. Roll" "Mattie Taylor"~~

Double

181

F. D. 92

19



NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Martha Gales,

Muskogee, I.T.

Cherokee F-D-92

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cher Fr. R. 763

Trans from Fr. D. 93

Cher. Fr. R. 763

A

FD-43

Excluded and sent to police no title from...

Following is a list of names and addresses...
Name: [illegible]
Address: [illegible]
City: [illegible]
State: [illegible]
Zip: [illegible]

Continued on...

...the following information...
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DEPARTMENT OF THE ARMY
OFFICE OF THE CHIEF OF STAFF
WASHINGTON, D. C.
FILED
APR 19 1901

[Handwritten signature]
[illegible]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., APRIL 17th, 1901.

In the matter of the application of Susan Brown for enrollment as a Cherokee Freedman; said Brown being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Susan Brown.
Q How old are you? A I don't know exactly how old I am, I guess about 44.
Q What is your post office? A Muskogee.
Q What district do you live in? A Canadian.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Did you ever apply to be enrolled as a Freedman of any other tribe or Nation? A No, sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes, sir.
Q Is your name on the roll of 1880? A No, sir.
Q Is it on the roll of 1896? A Yes, sir.
Q Who do you desire to enroll besides yourself? A Nobody.
Q Nobody but yourself? A Yes, sir.
Q Were you a slave? A Yes, sir.
Q What was your owner's name? A Jim Brown in Sequoyah District.
Q Was he a Cherokee by blood? A Yes, sir.
Q Where were you at the beginning of the war between the United States and the Confederacy? A On Lee's creek, Sequoyah District.
Q In the Cherokee Nation? A Yes, sir.
Q Were you taken out during the war? A Yes, sir.
Q Where to? A Fort Scott.
Q When did you return from Fort Scott? A We come back in '66.
Q Where have you been living since that? A I have been living in Muskogee and Canadian District.
Q Are you married? A No, sir.
Q Your name has always been Brown? A Yes, sir.

The 1880 Authenticated Roll of citizens of the Cherokee Nation examined and applicants name not found thereon.

- Q Why is your name not on the roll of 1880? A I don't know, sir, why it ain't; my sister was here at the time and of course they was to see after that and of course I didn't see after it; they said the older ones was to see after it, I was with my uncle and sister.
Q Your father and mother were not living at that time?
A No, sir.
Q Were they dead in 1880? A My father died one year and my mother died the next years.
Q Did you draw what is known as the strip payment money?
A Yes, sir.
Q Have you got any witnesses you can prove when you were away by?
A Mr. Benge and uncle Mike.

BY W. W. HASTINGS, Cherokee Representative:

- Q Whom did you come back with? A My sister.
Q You come from there to Fort Gibson? A Yes, sir.
Q In what year? A The year of 1866.
Q What time in the year? A It was in the fall.
Q How long did you live here at Fort Gibson? A We stayed here, I don't know, sir, it was over a year.
Q Then where did you go? A Then we went back to Kansas.
Q Fort Scott? A Yes, sir.
Q And you have lived there ever since? A No, sir.

Susan Brown--2.

Q How long did you live? A I don't know exactly how many years we did live there.

Q About how many, live as many as 15? A No, sir.

Q Well, about how many? A About three or four years, I guess.

Q About three or four years? A Yes, sir.

Q Is that your best judgment now? A That is my best judgment.

Q Your sister went back up there with you? A Yes, sir.

Q When you come back that time from Kansas where did you go, the last time from Kansas? A When I come back the last time from Kansas we come back to Muskogee.

Q You come direct to Muskogee? A Yes, sir, and I don't know how many years we stayed there.

Q Did you come back on the railroad the last time? A We come; you see the road hadn't been there.

Q Hadn't been there very long? A No, sir.

Q And you come to Muskogee on the train the last time? A I have answered you.

Q Did you say Yes? A I come with my sister.

BY COMMISSIONER NEEDLES:

Q Did you come on the railroad? A You know when the railroad come.

Q Did you come on it? A Yes, sir, I come after the road was built.

BY W. W. HASTINGS:

Q Have you been living at Muskogee since that time; how long did you live at Muskogee that time? A I don't know.

Q Well about how long? A I don't know just how long we lived there.

Q Well, two or three years, or four or five? A No, didn't live there four or five years.

Q Two or three years; well where did you go from Muskogee then?

A We come from Muskogee to Canadian District.

Q When you left Muskogee that time where did you go to live, I mean? A We went to, we come here to this, Canadian district; we lived there thirteen years, this Fall.

Q Been living there ever since? A No, sir; I just been living there twelve years, going on thirteen years this fall.

Q Now, you went from Muskogee to Canadian? A Yes, sir.

Q And you had lived in Muskogee about two years before that?

A Yes, sir.

Q And you come from Kansas? A Listen to me again, we left here; I come back here in the Fall of '66 and stayed here about a year and went back to Fort Scott and I don't know just exactly how long we stayed and then we come back here.

Q You come from Fort Scott back to Muskogee? A No, sir, I didn't say that.

Q Where did you come to? A I went from here to Fort Scott and come back here.

Q Didn't you say you come from Fort Scott down to Muskogee on the train the next time; didn't you say that? (No response.)

Q Didn't you say you come back to Muskogee from Fort Scott on the train? A I told you I could not tell; I have answered that three two or three times; I can't remember everything.

Q Well, did you come from Fort Scott to Muskogee? A I come from Fort Scott; I come from Fort Scott here and went to Muskogee.

Q How long did you live here after you come back from Fort Scott until you went to Muskogee? A I can't tell you.

Q About how long? A I could not tell you.

Q As much as one? A I don't know, sir, how long.

Q Give me your best judgment? (No response.)

Susan Brown--3.

BY COMMISSIONER NEEDLES:

- Q You were at Fort Scott at the close of the war? A Yes, sir.
Q Then you come, you say, to the Cherokee Nation in 1866?
A Yes, sir.
Q Then you went back to Fort Scott, Kansas, again, did you?
A Yes, sir.
Q Then how long did you stay there? A I don't know, sir, how long.
Q Well, about how long? (No response.)
Q Were you ~~married~~ married when you were there? A No, sir.
Q Then you come back from Fort Scott, Kansas, to the Territory, did you, to the Cherokee Nation? A Yes, sir.
Q Then did you go from the Cherokee Nation to Muskogee? A Yes, sir.
Q How long did you stay in Muskogee? A ~~Yes~~, sir I don't know, sir, how long.
Q Where did you go to from Muskogee, Canadian District? A Come over to Canadian District, but I had been in the Nation a long time before I went over in Canadian district.
Q Is Martha Gales your sister? A Yes, sir.
Q Did you stay with her all the time? A Yes, sir.
Q Did you come from Fort Scott, Kansas, the first time with Martha Gales? A Yes, sir.

BY W. W. HASTINGS:

- Q Now, what point in the Cherokee Nation did you return to when you come back from Fort Scott, Kansas, the second time? A We come back here.
Q To Fort Gibson? A We come back the second time. (Does not continue.)

BY COMMISSIONER NEEDLES:

- Q Do you recollect when you come back the second time; where did you come to in the Cherokee Nation the second time from Fort Scott?
A I told you we come back here.
Q To Fort Gibson? A Yes, sir.

BY W. W. HASTINGS:

- Q Now how long did you live here at Fort Gibson that time before you went to Muskogee? A I don't know.
Q Well, about how long? A I don't know, sir.
Q You can't give anything like an estimate without knowing the days and months? A No, sir.
Q Live here more than a year? A I don't know.
Q Whom did you live with? A Uncle Bill Brews.
Q That was after you come back the second time from Kansas?
A Yes, sir; at Vinita.

BY COMMISSIONER NEEDLES:

- Q You lived with him in Vinita too you say? A I say we was at Vinita.
Q Well, have you any witnesses that knows you besides yourself?
A Uncle Mike and Mr. Benge.

MIKE FIELDS, being sworn and examined by Commissioner Frank T. B. Needles, testified as follows:

- Q What is your name? A Mike Fields.
Q How old are you? A 66 years old.
Q What is your post office? A Briggs.
Q Do you know Susan Brown here? A Yes, sir.

Susan Brown--4.

- Q Was she a slave during the war? A Yes, sir.
Q Whom did she belong to? A Old Judge Brown.
Q Well where was she during the war? A She was at Fort Scott.
Q When did she return to the Cherokee Nation? A Well, I don't remember just what time she returned with her sister.
Q That was Martha Gales? A Yes, sir, and they have been staying together all the time ever since.

BY W. W. HASTINGS:

- Q I would like to ask you when was the last time Bill Brown, her uncle, lived here in Fort Gibson? A I can't tell you that.
Q About how far did you live from Fort Gibson? A About 12 miles.
Q About how many years ago has it been since her uncle lived here? A I can't tell you; I don't know exactly.
Q She only lived here a few years after the war; is not that a fact? A I don't know; if I was going to tell you I might tell you a story.

S. H. BENGE, being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q Your name is Mr? A S. H. Benge.
Q What is your age, Mr. Benge? A 69 years old.
Q What is your post office? A Fort Gibson.
Q You are a Cherokee citizen by blood? A Yes, sir.
Q Have you ever held any official position in the Cherokee Nation? A Yes, sir.
Q Please state it? A I have had several; been Consul, Senator, Sheriff, Delegate.
Q Were you one of the Commissioners who made the treaty of 1866? A Yes, sir.
Q Do you know Susan Brown? A Yes, sir.
Q She was a slave was she? A Yes, sir.
Q What was her owner's name? A Jim Brown.
Q Where was she during the war? A I saw her in Fort Scott.
Q Where did you next see her? A I saw her here but I don't recollect what time it was.
Q You don't recollect what time you saw her here? A No, sir.
Q Do you know whether she is a sister of Martha Gales? A Yes, sir; that is, the mother of both of them claimed them as sisters.
Q Yes, she was Martha Gales' sister? A Yes, sir.
Q Do you know when Martha Gales returned? A Yes, sir.
Q Do you know whether this girl returned with her? A No, sir.

BY W. W. HASTINGS:

- Q Do you know William Borne, her uncle? A Yes, sir.
Q When was the last time he lived in Fort Gibson? A I can't tell you; some two or three years after peace was declared.
Q That was the last year he lived in Fort Gibson? A Yes, sir.

BY L. D. BELL, Cherokee Representative:

- Q Do you know when Bill came up to Vinita to live? A Yes, sir.
Q Did he come back here? A I don't know.
Q He went to Muskogee? A He went to Muskogee, but I don't know whether he moved back here to live or not.

SUSAN BROWN, the Applicant, re-called, testified as follows:
EXAMINATION BY COMMISSIONER NEEDLES:

- Q Whom did you live with in Vinita, Bill Brown? A Yes, sir.
Q Did you go from here to Vinita with Bill Brown? A Yes, sir.
Q Were you living with his family? A Yes, sir, Aunt Mary.

Susan Brown--R 3.

Q Who was Aunt Mary, Bill Brown's wife? A Yes, sir.

Kerns-Clifton Roll of citizens of the Cherokee Nation examined and applicant's name found thereon, page 109, #2729, Susie Brown, Tahlequah District.

COM'R NEEDLES:--The name of Susan Brown cannot be found upon the Authenticated roll of 1860 or the census roll of 1896. Her name is found on the Kerns-Clifton Roll. Final judgment as to the enrollment of Susan Brown as a Cherokee Freedman will be suspended and her name will be placed upon a doubtful card.

---00000000---

J. G. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. G. Rosson

Subscribed and sworn to before me this 18th day of April, 1901.

W. H. ...

Commissioner.

shown to and subscribed before me this the 20th of November, 1901.

testimony, and that the same is a true copy from the original.
The Commission to the five civilized tribes be copied the foregoing
since C. Jones' being only sworn, says that he understands the

Commissioner.

sworn to and subscribed before me this the 10th of October, 1901.
Witness, since C. Jones.

time and complete transcript of his stenographic notes thereof.
Proceedings and testimony in the above case, and the foregoing is a
the Commission to the five civilized tribes be correctly recorded the
since C. Jones' being only sworn, says that he understands the

now.

out and know when she lived in Florida and know her where she is living
has been moved out of there several years, I know when she moved

Q How long since she moved out of Florida?
A Not long since she moved out of Florida, I know when she moved.

Q What is it?
A That is no relation to her, she is living in Florida.

Q She is in Florida now?
A Yes, she is in Florida now.

Q Where in the Cherokee Nation?
A Here in the Cherokee Nation.

Q Have you known her confidentially?
A Yes, she has been known for

Q Did you meet her in 1881?
A Yes, I met her in 1881.

Q Where did you meet her?
A I met her at Fort Gibson, and came to my home on Greenock and she
was there at Fort Gibson, and came to my home on Greenock and she
from there she went to my home on Greenock and she was there in 1881, she
left Gibson, and then of course she came back to my home, I got it
and she lived there for some time, I met her and know in 1881
and she lived in the Cherokee Nation at that time, ever since
since 1881, I met her.

Q Where did you meet her?
A I met her at Fort Gibson, and came to my home on Greenock and she
was there at Fort Gibson, and came to my home on Greenock and she
from there she went to my home on Greenock and she was there in 1881, she
left Gibson, and then of course she came back to my home, I got it
and she lived there for some time, I met her and know in 1881
and she lived in the Cherokee Nation at that time, ever since
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was there at Fort Gibson, and came to my home on Greenock and she
from there she went to my home on Greenock and she was there in 1881, she
left Gibson, and then of course she came back to my home, I got it
and she lived there for some time, I met her and know in 1881
and she lived in the Cherokee Nation at that time, ever since
since 1881, I met her.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., April 17, 1901.

In the matter of the application of Martha Gales for the enrollment of herself and two orphan children as Cherokee Freedmen.

Martha Gales, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Martha Gales.
Q How old are you? A I am about 55.
Q What is your postoffice? A Muskogee.
Q What district do you live in? A Canadian district.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Did you ever apply to be enrolled as a Freedman of any other nation? A No, sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A I tried to be but I don't think I am.
Q Is your name on the roll of 1880? A I think not; it is on two rolls.
Q Who do you desire to enroll besides yourself? A My sister.
Q How old is your sister? A She is about 52.
Q Will she must appear for herself; have you any children under 21 years of age? A I have got two adopted children.
Q Are they Cherokee Freedmen? A Yes, sir. (exhibiting paper.)
Q Ocie Taylor and William Taylor? A Yes, sir.
Q How old is Ocie? A Going on 12 years old.
Q And Willie? A Going on 10.
Q What is the name of these children's father? A Henry Taylor.
Q Is he living? A Yes, sir.
Q Is he a citizen? A I don't know; he is a Cherokee citizen, yes, sir.
Q A freedman? A Yes, sir.
Q What is the name of their mother? A Fannie Taylor.
Q Is she living? A No, sir, she is dead.
Q Was she a citizen? A Yes, sir, she is old uncle Martin Vann's daughter.
Q Her maiden name was Vann was it? A Yes, sir.
The 1880 authenticated roll of Cherokee Freedmen examined and the applicant Martha Gales not identified thereon.
The 1886 census roll of Cherokee Freedmen examined and the applicant Martha Gales not identified thereon.
The Kern-Clifton pay-roll examined and the applicant, Martha Gales, identified thereon, page 109, No. 2726, Tahlequah district, as Mattie Gales.

Q Your proper name is Martha? A Yes, sir, it is on Mr. Wallace's roll that way.

Ocie Taylor on Kern-Clifton roll, page 109, No. 2727, Tahlequah district.

William Taylor on page 109, No. 2726, Tahlequah district, as Willis Taylor.

- Q Is his name Willie? A Willis or William.
Q You don't know whether these children's mother is on the roll of 1880 or not? A She is on the roll, I always heard she was on the roll.

Mr. V. V. Hastings, attorney for Cherokee Nation: You applied for ~~these children~~ before the Kern-Clifton Commission, didn't you?

- A Yes, sir.
Q You never claimed then their mother was on the 1880 roll?
A Their father always told me she was on the 1880 roll; maybe she is there as Fannie Crapo.

The 1880 authenticated roll of Cherokee Freedmen examined, and the name of Fannie Crapo found thereon, page 218, No. 470, Illinois district.

- Q Are you married? A Yes, sir.
Q What is your husband's name? A Charles Gales.

- Q Were you ever married before? A Yes, sir.
- Q What was your husband's name before? A Henderson.
- Q Was he a citizen? A No, sir.
- Q Were you ever married before that? A No, sir.
- Q What was your father's name? A Charley Thompson, a Cherokee by blood.
- Q What was your mother's name? A Ebbe Brown.
- Q Was she a colored woman? A Yes, sir.
- Q Was she a slave? A Yes, sir.
- Q How long had she been dead? A She has been dead for years, I can't tell you.
- Q Were you a slave? A Yes, sir.
- Q What was your owner's name? A The old judge was named Jim Brown, judge of Sequoyah district.
- Q A Cherokee by blood? A Cherokee by blood.
- Q Where were you at the beginning of the war between the United States and the Confederacy? A With these people, on Judge Brown's place.
- Q Where were you at the close of the war? A I was in Fort Scott, Kansas.
- Q You were taken out? A Yes, sir, by the old judge himself, he died on the way.
- Q When did you return to the Cherokee Nation? A I returned in 1866.
- Q Where did you return to? A I came to Fort Gibson here.
- Q You have been living here ever since? A No, sir, I haven't.
- Q Where have you lived since? A I have lived in the Cherokee Nation and in Vinita, and in the Creek Nation.
- Q Have you lived in any of the states? A Only at Fort Scott is the only place I lived in the states.
- Q After you returned in 1866? A After I returned in 1866 I stayed about a year and went away to visit my mother, and came back and has been here ever since.
- Q When did you live in Fort Scott? A At the time of the war; we went from here in 1863.
- Q Did you ever live in Fort Scott after 1866? A Only on a visit, just only to visit.
- Q Never made it a residence? A Never made it my permanent home.
- Q Never made your home in any other state, Kansas or Missouri or Texas? A No, sir.
- Q How long did you visit up in Fort Scott when you went back after 1866? A I can't tell you how long.
- Q A year? A I can't tell you that.
- Q Five years? A I can't tell you that.
- Q Ten years? A I can't tell that; actually I wasn't able; I can't read and write, I can't read the dates.
- Q Have you been there ever since? A No, sir.
- Q About how many years, to your best judgment, that is all I want to know, were you up in Fort Scott, Kansas, after you went back after 1866? A Well I can't say, I just went on a visit, that is all.
- Q About how long did you stay on a visit, how many years? A About three I reckon.
- Q Did you ever go up there any other time except that one time? A No, sir, I don't think I did.
- Q Don't you know? A No, I wasn't; that is after I had been down here.
- Q Where were you married? A I was married between here and close over there to Vinita.
- Q Have you got any children? A No, sir, only these two adopted children.
- Q Who did you come back with in 1866? A Came back with uncle Billy Brown.
- Q You came to Fort Gibson? A Yes, sir.
- Q Are you any kin to Mike Fields? A His wife is my sister.

- Q He would know when you came back, wouldn't he? A Yes, sir.
Q That is that old gentleman up here just now? A Yes, sir.
Q Who did you first work for, what did you first do when you came back in 1866? A I didn't work for anybody, I stayed with my uncle, William Brown, and Pomp and Susan, and Mary Brown, that was his wife.
Q You say uncle Mike Fields would know when you came back?
A Yes, sir.
Commissioner Needles: When you went to Kansas to visit, to Fort Scott, were you married? A Yes, sir.
Q What was your husband's name then? A Henderson.
Q Were you married then? A Yes, sir.
Q Did you and Henderson keep house up there? A No, sir, we didn't stay a very long time.
Q You said it was about three years? A No, sir, I wasn't living with him, we were parted; we separated.
Q How have you got any witnesses? A Mr. Benge and Mike Fields.

S. H. BENGE, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A S. H. Benge.
Q What is your age? A 69 years and old.
Q What is your postoffice? A Fort Gibson.
Q Are you a Cherokee citizen? A Yes, sir.
Q By blood? A Yes, sir, by blood.
Q Do you know Martha Galas? A Yes, sir.
Q Did you know her during the war between the states? A I knew her a good while before the war, I knew her ever since she was a little girl; she belonged to old Jim Brown, along on Reeds Creek.
Q Where was she in the year 1866? A She was in Fort Scott; I happened to be one of the delegates who made the treaty of 1866, and on our way home the delegates came by the way of Fort Scott, and I found her with her people there in Fort Scott. I advised them to come home, told them the treaty had been made and promulgated, and it gave them six months time, and in November, I think in November, 1866, I came to Fort Gibson; I found Billy Brown and her here.
Q You found her here in November, 1866? A Yes, sir.
Q Mr. Hastings: How far did you live from here before the war?
A ABOUT TWELVE miles.
Q Do you remember seeing her in Fort Scott, Kansas? A Yes, sir.
Q Talked to her? A Yes, sir, her mother and the whole family of them.
Q You say you saw her here in the fall of 1866? A Yes, sir.
Q You remember talking to her then? A Yes, sir, Billy Brown was running a barber shop, and she was around the shop.
Q She herself was here? A Yes, sir, she was here.
Q You remember seeing her personally? A Yes, sir.
Q What circumstances do you fix that by, that you happened to see her? A I happened to go into the barber shop where Billy Brown was.
Q Did she stay in the shop? A She was there with him in the shop, and I saw Billy Brown.

MIKE FIELDS, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Mike Fields.
Q What is your age? A 66.
Q What is your postoffice address? A Braggs Station.
Q Are you a Cherokee Freedman? A Yes, sir.
Q Recognized as such by the Cherokee Nation? A Yes, sir.
Q Is your name on the roll of 1860? A Yes, sir.
Q Do you know Martha Galas? A Yes, sir.

Q Did you know her during the war between the United States and the Confederacy? A Yes, sir.

Q Where was she during the year 1866; of your own knowledge? A In 1866 she was in Kansas at the time.

Q Do you know whether she was in the Cherokee Nation during the year 1866 or not? A I don't know exactly, but at the time that Mr. Benge says that he went there, he tells us that the way was been opened, to come and we had better come and if we could come and get places and go back and secure our crops.

Q Did Martha Gales come with you? A No, sir, she didn't come with me, she came by herself I reckon.

Q After you? A Yes, sir.

Q What time did you come? A I came here home in 1867, but we came in 1866; we came on with Mr. Benge part of the way and then we went up on Big Creek and built a house there and then cut logs for another house and went back to secure our crops.

Q And then come back afterwards? A Yes, sir, and came down in 1867.

Q You don't know when Martha came? A No, sir, she had come while I was on Big Creek, a parcel of them came on with Mr. Benge and behind him when he came back, William P. Ross and John Ross and Bob Daniels.

Mr. Hastings: You testified in this case five years ago, didn't you?

A Yes, sir, I think I did.

Q You testified then that the first time you saw her in the Cherokee Nation was in 1867? A Yes, sir, it was in 1867; I heard she had come while I was building up on Big Creek.

Q Did you tell that before? A You didn't ask me that then.

Q You didn't tell that then? A No, sir.

Q You testified before the first time you saw her here was in the spring of 1867? A I did.

MARTHA GALES, recalled, testified as follows:

Commissioner Needles: Are these children, Ozie and Willie Taylor, are they living? A Yes, sir.

Q Where are they living? A With me.

Q Where? A In Canadian district.

Q They were born and raised in the Cherokee Nation? A Yes, sir.

Q Always lived here? A Yes, sir.

Commissioner Needles: Martha Gales applies for the enrollment of herself as a Cherokee Freedman. Her name cannot be found upon the authenticated roll of 1860 or the census roll of 1866. Her name is found on the Kern-Olifton roll. By reason of the fact that her name is not found on the authenticated roll of 1860, although the Commission the Commission is fully satisfied that she is entitled to be enrolled as a Cherokee Freedman, final judgment as to her enrollment will be suspended, because of the protest of the Cherokee Nation upon legal points, and questions of fact, and her name will be placed upon a doubtful card.

The applicant applies for the enrollment of Ozie and William Taylor. Their names are not found upon the census roll of 1866, but are found on the Kern-Olifton roll. They are fully identified as the children of Fannie Taylor, and Fannie Taylor's name is found upon the authenticated roll of 1860 as Fannie Crapo, and she is fully identified as the Fannie Taylor who is the mother of said children. Satisfactory proof has been made as to residence, and consequently Ozie Taylor and William Taylor will be listed for enrollment as Cherokee Freedmen.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the

proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, Bruce G. Jones.

Sworn to and subscribed before me this the 18th of April, 1901.

Signed, T. B. Needles,

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 5th, 1901.

Supplemental Testimony in the matter of the application of
Martha Gales, C.F. D#92.

Appearances:

James S. Davenport, for the Cherokee Nation.

Lewis T. Brown, agent for the applicants.

SIMON MCKENZIE, being first duly sworn before Com'r T. B. Needles, testified as follows on behalf of the Cherokee Nation:

(By Mr. Davenport)

Q What is your name? A Simon McKenzie.

Q Where do you live? A Six miles of Pryor Creek.

Q How long have you lived in the Cherokee Nation? A All my life.

Q How old are you? A 59.

Q Were you out of the country during the war? A Yes sir I was out during the war.

Q Did you ever move to Fort Scott Kansas? A Yes sir.

Q What time did you live there? A I lived there until - in '65, '6 and '7 and in the spring of '68.

Q Then you lived there from '65 to '68? A Yes, sir.

Q Did you get acquainted with some colored people there, Mattie or Martha and Ed Henderson? A Yes sir.

Q Were they living there as man and wife? A Yes sir, and running a barber shop.

Q Were they running a barber shop there when you left there? A Yes sir.

Q Have you ever seen Henderson or his wife since that time? A No sir

(By L. T. Brown)

Q Who was running a barber shop, Henderson or Martha Gales? A Henderson and Martha both, part of the time she would work there, I got shaved a time or two by her.

Q When was it that you got shaved by her? A In '68 or '9.

Q What month? A I don't know.

Q What time of the year? A In the fall I think.

Q How many times did she shave you? A Once or twice.

Q And you remember getting shaved there in the fall of '66? A Yes because she shaved me.

Q Where is Henderson now? A I don't know.

Q Where did you last see him? A Fort Scott.

Q Did you know Martha before the war? A No sir.

Q When did you first see her? A There in Fort Scott.

Q When did you next see her, since you came there? A Never have seen her since.

Q Where was Martha Gales in November 1866? A I knew her as Martha Henderson.

Q Well, where was Martha Henderson in November, '66? A In Fort Scott.

Q All the month of November she was in Fort Scott; was she? A Yes sir I think so.

Q Where was she in December, '66? A I don't know, I guess she

was there.

(Continued by stenographer Bruce G. Jones.)

Chas. von Weise, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Signed, Chas. von Weise.

Subscribed and sworn to before me this the 9th of October, 1901.

Signed, T. B. Needles,
Commissioner.

Martha Gales, et al. Continued from testimony taken by Chas. von Weise.

WILLIAM SEXTON, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A William Sexton.

Q ~~What is your name?~~ How old are you? A I am 64 years old.

Q Where do you live? A Fort Scott, Kansas.

Q How long have you lived in Fort Scott, Kansas? A I have lived in Fort Scott, Kansas, since '89.

Q Since you have been living in Fort Scott, Kansas, did you get acquainted with some colored people up there by the name of Martha and Ed Henderson? A I did.

Q What were they doing when you got acquainted with them, Mr. Sexton? A I think Mr. Henderson was running a little barber shop.

Q In the town of Fort Scott? A In the town of Fort Scott.

Q Well, do you know whether or not Henderson is living yet? A ~~Yes~~ He is not.

Q Do you know what time he died? A I don't know exactly the date, he has been dead some six or eight months I suppose.

Q Did he and his wife continue to live together up to the time of his death, or did they separate? A They separated.

Q Well, after their separation, do you know whether or not his wife married again? A She did.

Q Do you know to whom she was married? A She married a gentleman by the name of Mr. Gales.

Q Do you know what his first name was? A I don't.

Q Do you know where she and Gales were married? A They were married in Fort Scott, if I mistake not.

Q Fort Scott, Kansas? A Fort Scott, Kansas.

Q What was Gales' occupation at the time they were married, do you know? A He was porter on the M.K. & T. railroad.

Q Running on the train? A Running on the train.

Q Well, do you know when, or about what year, that Martha Henderson or Martha Gales moved away from Fort Scott and left Fort Scott?

A I don't recollect what time they did leave Fort Scott.

Q Well, you say that she and Henderson were living together when you went there in '89? A Yes, sir.

Q They afterwards separated? A Afterwards they separated.

Q Then she and Gales married? A Yes, sir.

Q With reference to the time she and Gales were married when did she leave Fort Scott, do you, about how long? A Well, they didn't remain there any time at all, they left there immediately.

Q Have you ever seen Martha Henderson or Martha Gales since she and Gales were married? A I have never seen her since.

Q Do you know where they have been living? A No, sir.

Q Know whether or not she and Henderson have any children? A No, sir, I don't.

Q Do you know who her reputed mother or father was before she was married, what her maiden name was before she married Henderson, have any information from her or anyone? A No, sir, I have not.

By L. F. Brown: Mr. Sexton, you don't know where Martha Gales was in November, 1888, do you? A No, sir, I don't know.

Q You say that she was married to Charley Gales in Fort Scott,

Kansas? A I think if I mistake not that they were married in Fort Scott, Kansas.

Q Were you at the wedding? A No, sir, I wasn't I don't think.

Q All you know about their being married in Fort Scott, Kansas, is hearsay? A No, sir, I wasn't at the wedding.

Q You say soon after her marriage they went away from there?

A They left very soon.

Q Do you know where they went? A No, I don't know.

Q Did you ever hear where they went? A I have heard where they went, I heard they came down to the Nation.

Q You never knew her till '69? A Not till '69.

Q And you know her up till her marriage to Charley Gales?

A Yes, sir.

Q And soon after that she left? A Yes, sir, she left.

JOHN FORBES, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A John Forbes.

Q How old are you? A 58.

Q Where do you live? A Fort Scott, Kansas.

Q How long have you lived at Fort Scott, Kansas? A 35 years.

Q Since you have been living at Fort Scott, Kansas, did you get acquainted with some colored people there named Ed and Mattie Henderson? A I was acquainted, I knew Mat Henderson for about 8 or 9 years, I knew Ed Henderson for 32 years.

Q Now about when did you get acquainted first with Mattie Henderson, about what year? A In '69.

Q Was she and her husband, Ed Henderson, living together at that time? A Yes, sir.

Q Do you know what Ed Henderson's business was? A He was a barber.

Q Was he engaged in the barber business in Fort Scott, or do you know? A Yes, sir.

Q Did they live together up to the time of Henderson's death, or did they separate? A No, sir, Mr. Henderson died in the penitentiary about three years ago, State of Kansas.

Q Well, was he and Mattie living together, I mean had they separated or were they living together at the time? A Up to his death?

Q Yes? A No.

Q Do you know whether or not Mattie married again after she separated from Henderson? A I don't know that she did, but I heard so.

Q You don't know, you were not present at the wedding? A No, sir.

Q Who did you hear she married? A A man by the name of Gales I think.

Q Do you know when he moved away from Fort Scott, about what year?

A It must be after the year '78 or '9, '79 probably, it must be after that time.

Q Do you know of your own knowledge whether or not she owned any property in Fort Scott? A Yes, sir.

By L. T. Brown: You say you have been living in Fort Scott about 35 years? A Yes, sir.

Q And you went there about '68? A '69; I went there in '68, yes.

Q Well, where was Martha Gales in November, '68? A I can't tell that.

Q You know where she was in '67 or '8? A I don't think I know.

Q How do you remember that you saw her for the first time in '69?

A Because I got acquainted with Ed Henderson about that time.

Q I thought you testified a while ago that you knew him about 35 or '4 years? A Well I said 30 years I think, that is what I intended to say if I didn't say it.

Q What makes you remember you got acquainted with Henderson about that length of time? A Mr. Henderson at that time was a prominent barber at that time.

Q That is the reason you remember it, is it? A Yes, sir.

Q Now do you know Henry Hawkins? A I used to know a man named

Henry Hawkins.

Q You live in Fort Scott now? A Yes, sir.

Q You know a barber there named Henry Hawkins? A I don't know any barber there, that is I don't know Henry Hawkins by that name?

Q Do you know a barber named Henry Hall? A Yes, sir.

Q When did you first get acquainted with him? A I think I knew Henry Hall for oh probably 15 years.

Q What year did you become acquainted with him? A Sometimes in '78, or '9, somewhere along about there, I don't know exactly.

Q About fifteen years ago? A Yes.

Q Now then you say Martha Henderson and her husband Ed Henderson separated? A I think they did, yes that was the report.

Q Did Ed continue to remain in Fort Scott after the separation?

A Yes, sir.

Q Where did Martha Gales go? A I don't know.

Q Did you see her around there after the separation at all?

A I think I did.

Q For about how long? A I can't tell you that.

Q About how long; estimate it? A Oh, two or three years probably.

Q When did you see Martha Gales for the last time? A I can't tell you.

Q You have no idea? A No, sir.

Q You say you knew them from '69 for about 7 or 8 years? A Yes, sir, eight or nine years probably, and I think probably more than that, but I will not be positive about that.

THOMAS LAHAY, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A Thomas Lahay.

Q Where do you live? A Fort Scott, Kansas.

Q How old are you? A 51.

Q How long have you lived in Fort Scott, Kansas? A Well, I have lived in that country since '70, but I have been right in the city since '88.

Q You deal in real estate some do you in that country? A Yes, sir.

Q Did you ever know a colored woman by the name of Martha Gales, that is, personally acquainted with her? A I never had no particular dealings with her to my knowledge, but I knew her by reputation like.

Q Do you know whether or not she owned any property in the City of Fort Scott?

L. T. Brown: The agent for the applicant objects to this question for the reason that if she did, it is a matter of record, and the record is the best evidence.

Commissioner: It makes no difference whether she owned property or not, let him answer the question.

A She did own a piece, and I got the property for taxes, it was abandoned and sold by the county for taxes and I bought it and have it to-day, own it now.

By L. T. Brown: Where did you see Martha Gales for the last time?

A I don't know that I ever did see her positive, I have an idea I have seen her but I am not positive.

Q What makes you have an idea you did? A It strikes me I have seen her.

Q What makes it strike you that way? A I was well acquainted with Ed Henderson.

Q You haven't been asked anything about Ed Henderson. A No, but I am going to tell you why I think I know Martha Gales: I saw a woman that I supposed to be Ed's wife, kind of a heavy set woman, and I thought afterwards that that was Mattie Gales, but of course I may be mistaken.

Mr. Davenport: I want a reference to No. D-95, Susan Brown.

Commissioner: The reference will be made.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, Bruce C. Jones.

Sworn to and subscribed before me this the 11th of October, 1901.

Signed, T. B. Needles,
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Winita, I. B., October 5, 1901.

In the matter of the Application of Martha Gales for enrollment as a Cherokee Freedman.

Additional testimony on behalf of the applicant.

Appearances:

L. T. Brown, agent for applicant;
J. S. Davenport, of counsel for Cherokee Nation.

Mr. Davenport: The representatives of the Cherokee Nation desire to know whether this testimony is in rebuttal of any testimony that has been offered by the Nation.

L. T. Brown: Agent for the applicant desires to state that no testimony has been offered in rebuttal by the Cherokee Nation, and that the case of Martha Gales has never been closed.

Commissioner: There is no testimony on the part of the Cherokee Nation at all.

POMP THOMPSON, being duly sworn by Commissioner Needles, testified as follows:

By L. T. Brown: State your name? A Pomp Thompson.

Q What is your age? A I will be 64 years old the next March.

Q Your residence? A Braggs.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Does your name appear upon the authenticated roll of 1880? A Yes, sir.

Q Do you know the applicant, Martha Gales? A Yes, sir.

Q To whom did she belong at the beginning of the war? A To old man George Brown.

Q Is old man George Brown a citizen of the Cherokee Nation by blood? A Yes, sir.

Q Do you know whether or not Martha Gales went out of the Cherokee Nation during the war? A Yes, sir, she went out.

Q When did you see her for the first time after the close of the Civil War? A 1865, 1866, at Fort Gibson.

Mr. Davenport: How old was she when the war broke out, Pomp?

A I can't say exactly her age, we lived quite a distance apart.

Q Were you living when the war broke out? A I was at old man George Brown's and I saw her there.

Q Were you living at George Brown's at the beginning of the war?

A No, sir, I was living in Illinois, in Illinois district.

Q Who were you living with? A At that time, I was living with old lady Brown.

Q George Brown's wife? A Yes, sir, had been his wife.

Q That is Mrs. Scholt now? A Yes, sir, his first wife.

Q Where were you living with her, if you were living with her, at the time the war broke out? A No, sir: at the time the war broke

out I was living with Alex. Thompson.

Q Where were you living with reference to where this applicant lived when the war broke out? A I was living on Illinois.

Q Where did she live? A With old George Brown on Lees Creek in Sequoyah district.

Q How far from where you were living to where she was living? A 45 miles and maybe more.

Q How old were you when the war broke out? A I was about 22, somewhere in there.

Q Was George Brown living when the war broke out? A No, sir, I don't believe he was, I am not positive.

Q Did George Brown's family own any slaves when the war broke out? A Well they were bound to own slaves.

Q I am not asking you what they were bound to, do you know of your own knowledge they did? A Yes, sir, the family.

Q What family had George Brown when the war broke out? A Well I don't know whether he had any of them or not living at that time.

Q Did he have any children living at that time? A I don't know, Bob Brown I believe was his, I am not quite certain, you see we was a distance apart.

Q Do you know whether or not there was a single member of George Brown's family living at the time the war broke out of your own knowledge? A Well, I don't know whether they were his children or not, but there was John Brown, who is living now.

Q Do you know whether or not John Brown is a relative of George Brown that you claim this applicant belonged to at the time the war broke out? A Yes, sir, he is a relative.

Q But you don't know the relation? A Of old man Brown, he is one of them.

Q You never knew old man Brown before the war, George Brown?

A Yes, sir, but it was sometime before the war when I saw him.

Q Know if he died several years before the war broke out? A I don't know whether he did or not, we didn't pass back and travel around but I know him because he used to live with my mistress, that was his first wife.

Q Your mistress and George Brown never lived together in the Cherokee Nation as man and wife? A No, sir.

Q They separated on the way from the old territory over here?

A That is right.

Q And they never lived anywhere near each other from that time until their death? A No, sir, they made a separation among the freedmen.

Q Mrs. Brown, your mistress, took the freedmen as they came from there? A Yes, sir, she took hers and George built over there and settled on Lees Creek, about fifty miles away.

Q Mrs. Brown herself was living in Missouri when the war broke out?

A No, sir, she was dead.

Q She lived in Missouri a while before her death? A Not to my knowing, never did, I am satisfied she didn't.

Q Well, what time of the year was it in '56 you saw this applicant, spring or summer? A Well, it was in the spring.

Q You know S. H. Benge? A Yes, sir.

Q Well, did you see her the same time he did? A I don't know whether I saw her the same time he did.

Q You saw her in the spring? A Yes, sir, it was in the summer season of the year.

Q When you saw her at Fort Gibson it was in the summer season; was that before or after the treaty was made? A It was after the treaty was made, Benge is the man I believe, if I mistake not, that notified a whole lot of them to come here.

Q They came the following year after Benge came here from Washington? A Well, I don't know about that.

Q How old were you at that time? A I reckon I must have been, I can't tell, I didn't have my age down.

Q About how old? A I reckon I must have been 30 or 35, somewhere along there close.

Q When did you next see her after you saw her in Fort Gibson?

A I saw her in '67, me and her made a trip together down to Webbers Falls.

Q Do you know where she is living now? A Yes, sir.

Q Where? A In Canadian district.

Q Near whose place? A Near Brushy Mountain, there is several places around in there around where she lives.

Q You know where Rube Evans lives over on Brushy Mountain? A Yes, sir, his old place.

Q She is not far from his place? A Not so close as others.

Q Who else is nearby? A Well, there is several Cherokees, Looney Hammond and Junie Smith and there is several others, Tom McDonald, he had a place right close to her.

By L. T. Brown: You say you and Martha Gales made a trip from Fort Gibson to Webbers Falls in the spring of '67? A Yes, sir.

Q Who else was along on that trip? A Pomp Brown and Henry Scales.

Mr. Davenport: You any relation of Pomp Brown? A Yes, sir.

Commissioner: Have you known this girl Martha Gales continuously since '66? A Yes, sir.

Q Has she lived in the Cherokee Nation all this time, ever since '66 up to the present time? A Well, I saw her you know in '66 at Fort Gibson, and then of course she came back up this way, I don't know where she went to, up this way north of us, and then in '67, she was there at Fort Gibson, and came to my house on Greenleaf and she wanted me to go down with her - - -

Q Did you meet her in '68? A Well, she was alive I guess.

Q Have you known her continuously? A Yes, sir, been knowing her all along.

Q Here in the Cherokee Nation? A Yes, sir.

Q She is alive now? A Yes, sir.

Q She is no relation to you, is she? A Yes, sir.

Q What is it? A Cousins, second cousins.

Mr. Davenport: Martha lives in Muskogee now? A No, sir.

Q How long since she moved out of Muskogee? A It has been, she has been moved out of there several years, I know when she moved out and know when she lived in there and know her where she is living now.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, Bruce C. Jones.

Sworn to and subscribed before me this the 10th of October, 1901.

Signed, T. B. Needles,
Commissioner.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing testimony, and that the same is a true copy from the originals.

Sworn to and subscribed before me this the 10th of November, 1901.

M. D. Green
Commissioner
Notary Public.

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COMMUNICATIONS

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 5, 1901.

In the matter of the application of Martha Gales for enrollment as a Cherokee Freedman.

Additional testimony on behalf of the applicant.

Appearances;

L. T. Brown, agent for applicant;
J. S. Davenport, of counsel for Cherokee Nation.

Mr. Davenport: The representatives of the Cherokee Nation desire to know whether this testimony is in rebuttal of any testimony that has been offered by the Nation.

L. T. Brown: Agent for the applicant desires to state that no testimony has been offered in rebuttal by the Cherokee Nation, and that the case of Martha Gales has never been closed.

Commissioner: There is no testimony on the part of the Cherokee Nation at all.

POMP THOMPSON, being duly sworn by Commissioner Needles, testified as follows:

By L. T. Brown: State your name? A Pomp Thompson.

Q What is your age? A I will be 64 years old the next March.

Q Your residence? A Brags.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Does your name appear upon the authenticated roll of 1860? A Yes, sir.

Q Do you know the applicant, Martha Gales? A Yes, sir.

Q To whom did she belong at the beginning of the war? A To old man George Brown.

Q Is old man George Brown a citizen of the Cherokee Nation by blood? A Yes, sir.

Q Do you know whether or not Martha Gales went out of the Cherokee Nation during the war? A Yes, sir, she went out.

Q When did you see her for the first time after the close of the Civil War? A '66, 1866, at Fort Gibson.

Mr. Davenport: How old was she when the war broke out, Pomp? A I can't say exactly her age, we lived quite a distance apart.

Q Where were you living when the war broke out? A I was at old man George Brown's and I saw her there.

Q Were you living at George Brown's at the beginning of the war?

A No, sir, I was living on Illinois, in Illinois district.

Q Who were you living with? A At that time, I was living with old lady Brown.

Q George Brown's wife? A Yes, sir, had been his wife.

Q That is Mrs. Seabolt now? A Yes, sir, his first wife.

Q Where were you living with her, if you were living with her, at the time the war broke out? A No, sir; at the time the war broke out I was living with Alex Thompson.

Q Where were you living with reference to where this applicant lived when the war broke out? A I was living on Illinois.

Q Where did she live? A With old George Brown on Lees Creek in Sequoyah district.

Q How far from where you were living to where she was living? A 45 miles and maybe more.

Q How old were you when the war broke out? A I was about 22, somewhere in there.

Q Was George Brown living when the war broke out? A No, sir, I don't believe he was, I am not positive.

Q Did George Brown's family own any slaves when the war broke out?

A Well they were bound to own slaves.

Q I am not asking you what they were bound to, do you know of

your own knowledge they did? A Yes, sir, the family.

Q What family had George Brown when the war broke out? A Well I don't know whether he had any of them or not ~~a~~ living at that time.

Q Did he have any children living at that time? A I don't know, Bob Brown I believe was his, I am not quite certain, you see we was a distance apart.

Q Do you know whether or not there was a single member of George Brown's family living at the time ~~the~~ the war broke out of your own knowledge? Q Well I don't know whether they were his children or not, but there was John Brown, who is living now.

Q Do you know whether or not John Brown is a relative of George Brown that you claim this applicant belonged to at the time the war broke out? A Yes, sir, he is a relative.

Q But you don't know the relation? A Of old man Brown, he is one of them.

Q You never knew old man Brown before the war, George Brown?

A Yes, sir, but it was some time before the war when I saw him.

Q Know if he died several years before the war broke out? A I don't know whether he did or not, we didn't pass back and travel around but I knew him because he used to live with my mistress, that was his first wife.

Q Your mistress and George Brown never lived together in the Cherokee Nation as man and wife? A No, sir.

Q They separated on the way from the old territory over here?

A That is right.

Q And they never lived anyways near each other from that time until their death? A No, sir, they made a separation among the freedmen.

Q Mrs. Brown, your mistress, took the freedmen as they came from there? A Yes, sir, she took hers and George built over there and settled on Lees Creek about fifty miles away.

Q Mrs. Brown herself was living in Missouri when the war broke out?

Q No, sir, she was dead.

Q She lived in Missouri a while before her death? A Not to my knowing, never did, I am satisfied she didn't.

Q Well, what time of the year was it in '66 you saw this applicant, spring or summer? A Well, it was in the spring.

Q You know S. H. Bengé? A Yes, sir.

Q Well, did you see her the same time he did? A I don't know whether I saw her the same time he did.

Q You saw her in the spring? A Yes, sir, it was in the summer season of the year.

Q When you saw her at Fort Gibson it was in the summer season; was that before or after the treaty was made? A It was after the treaty was made, Bengé is the man I believe, if I mistake not, that notified a whole lot of them to come here.

Q They came the following year after Bengé came here from Washington? A Well, I don't know about that.

Q How old were you at that time? A I reckon I must have been, I can't tell, I didn't have my age down.

Q About how old? A I reckon I must have been 30 or 35, some where along there close.

Q When did you next see her after you saw her in Fort Gibson?

A I saw her in '67, me and her made a trip together down to Webbers Falls.

Q Do you know where she is living now? A Yes, sir.

Q Where? A In Canadian district.

Q Near whose place? A Near Brushy Mountain, there is several places around in there around where she lives.

Q You know where Rube Evans lives over on Brushy Mountain? A Yes, sir, his old place.

Q She was not far from his place? A Not so close as others.

Q Who else is nearby? A Well, there is several Cherokees, Looney

Handwritten notes: "KODS" written vertically on the left margin.

Hammond and Junie Smith said there is several others, Tom McDonald, he had a place right close to her.

By L. T. Brown: You say you and Martha Gales made a trip from Fort Gibson to Webbers Falls in the spring of '87? A Yes, sir.

Q Who else was along on that trip? A Pomp Brown and Henry Scales. Mr. Davenport: You say relation to Pomp Brown? A Yes, sir.

Commissioner: Have you known this girl Martha Gales continuously since '88? A Yes, sir.

Q Has she lived in the Cherokee Nation all this time, ever since '88 up to the present time? A Well, I saw her you know in '88 at Fort Gibson, and then of course she come back up this way, I don't know where she went to, up this way north of us, and then in '87, she was there at Fort Gibson, and came to my house on Greenleaf and she wanted me to go down with her.

Q Did you meet her in '88? A Well, she was alive I guess.

Q Have you known her continuously? A Yes, sir, been knowing her all along.

Q Here in the Cherokee Nation? A Yes, sir.

Q She is alive now? A Yes, sir.

Q She is no relation to you, is she? A Yes, sir.

Q What is it? A Cousins, second cousins.

Mr. Davenport: Martha lives in Muskogee now? A No, sir.

Q How long since she lived moved out to Muskogee? A It has been, she has been moved out of there several years, I know when she moved out and know when she lived in there and know her where she is living now.

XXXXXXXXXX

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Handwritten signature of Bruce G. Jones.

Sworn to and subscribed before me this the 10th of October, 1901.

Handwritten signature of the Commissioner.

Commissioner.

5093

Enclosed and sent to you is a copy of the report of the

5093

FILED
JUL 27 1902

ACTING COMMISSIONER

Commissioner

reference thereto.
Following is a list of the names of the persons who
are named in the report of the Commission in this case, and who are
listed in the Commission's report as having been convicted of the
crime of murder, and who are listed in the report as having been
convicted of the crime of murder.

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- 1. The names of the persons who are named in the report of the Commission in this case, and who are listed in the Commission's report as having been convicted of the crime of murder, and who are listed in the report as having been convicted of the crime of murder.
- 2. The names of the persons who are named in the report of the Commission in this case, and who are listed in the Commission's report as having been convicted of the crime of murder, and who are listed in the report as having been convicted of the crime of murder.
- 3. The names of the persons who are named in the report of the Commission in this case, and who are listed in the Commission's report as having been convicted of the crime of murder, and who are listed in the report as having been convicted of the crime of murder.
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- 9. The names of the persons who are named in the report of the Commission in this case, and who are listed in the Commission's report as having been convicted of the crime of murder, and who are listed in the report as having been convicted of the crime of murder.
- 10. The names of the persons who are named in the report of the Commission in this case, and who are listed in the Commission's report as having been convicted of the crime of murder, and who are listed in the report as having been convicted of the crime of murder.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 17, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the applications for enrollment of MARTHA GALES and SUSAN BROWN as citizens, freedmen, of the Cherokee Nation:

Appearances:

L. T. Brown, Agent for Applicant;
Mr. Hastings, of counsel for Cherokee Nation.

LIZZIE DAVIS, being duly sworn, testified as follows on part of the Cherokee Nation:
Mr. Hastings:

- Q What is your name? A Lizzie Davis.
Q What is your age, Mrs. Davis? A 57.
Q Where do you live? A Fort Scott, Kansas.
Q How long have you lived there? A I have lived there since the fall of '63.
Q You live there yet? A Yes, sir.
Q Did you know a colored woman there by the name of Ibbie Brown?
A Yes, sir.
Q Did you know some daughters that she had? A Yes, sir.
Q Do you remember their names? A She had one named Martha and one Mary and one Susan.
Q When did you learn to know this colored woman and her daughters?
A I knew them right away after I went there in the summer of '63. They came from the Nation and I came from the Nation and we kinda swarmed together as the saying is.
Q Because you were from the same country? A Yes, sir.
Q You knew after that they came from the Cherokee Nation?
A Yes, sir, I knew their owners, my mother did; of course I was small then, but my mother was acquainted with their owners.
Q Now, how long did you know of Martha and Susie the children of Ibbie Brown? A It must have been ten years, I knew them; because they stayed there along time. I don't think they left there until the year '74 or '75.
Q Well, did you see them frequently? A I saw them all the time; Martha was in the barber shop with her husband, named Henderson; she married a man by the name of Henderson.
Q What became of Henderson? A He is there yet.
Q Did she separate from him? A Yes, sir.
Q Well, do you know who she married? A Married a man by the name of Charley Gales.
Q Did she and Gales leave there together? A Yes, sir.
Q You knew them for ten or more years? A Yes, sir, somewhere along there; they were there because she was a hair dresser; he kept a barber shop and she dressed hair, -dressed my hair frequently.
Q You knew her sister just as well? A Yes, sir.
Q Did she marry up there? A No, she never married anybody as I know of.
Q Did she ever do any work for you other than dress your hair?
A No, sir.
Q Well, now during that ten years did you ever miss them for up there for any considerable length of time? A No, sir; I don't think they were away.
Q You never missed them? A No, sir.
Q You saw them frequently during that time? A Yes, sir, they belonged to the church and was in all the doings.

Attorney Brown for a applicants:

Q Now, you say that this woman married a man by the name of Henderson? A Yes, sir.

Q Henderson is living up there yet? A Yes, sir.

Q And that is the woman you are talking about? A Yes, sir.

Q How, then, how long was it from the time you say she married this man Gales until she left there? A About two or three years, I won't be certain which; she married him before they left that country.

Q Well, then, she lived there with Gales two or three years after his marriage? A Yes, sir.

Q Well, then, Mrs. Davis, if the record shows that Martha Henderson was married to Gales along in '69, then according to your statement they left there about '72? A It was later than that.

Q Well, now, how late was it? A I don't know, I didn't keep a record of these things; I know it was along in '70 they left there; their property will know that.

Q Now, Mrs. Davis, did you know Houston Bengé? A I used to know him; I have heard of him.

Q Do you know when he was returning, when he assisted in making the treaty of '66, when he returned through Fort Scott?

A No, sir, I don't remember anything about it.

Q Well, if he has already sworn that the applicant in this case, Martha Gales, was in Fort Gibson in the Cherokee Nation in the month of November, '66, are you prepared to dispute that fact?

A That she was living there?

Q That she was there, whether living there or not?

A I am prepared to dispute the fact that she was living there.

Q Are you prepared to say she was not there?

A No, sir, she might have come off down there.

Q Now, there were a good many people leaving that country and coming to this country immediately after the close of the war?

A No, I don't know of any coming until after Haper was killed, there was a good many left there.

Q Now, when was he killed? A I don't know, I think it was in '66.

Q What time of the year? A In the fall of the year.

Q Then immediately after that killing there were a good many colored people left that country and came to this country?

A In the spring after that, but Martha Gales didn't.

Q Now, then, in the month of November, in the year 1866, can you state positively that the applicant in this case was not in Fort Gibson? A I can state that she was not there permanently to live, but she might have been there, come down there on a visit.

Q Did you know Bill Brown during his lifetime? A Yes, sir.

Q Do you know when he returned to the Cherokee Nation?

A He came to the Cherokee Nation long before that date.

Q How long before? A I don't know.

Q Now, when he returned to the Cherokee Nation, who returned with him? A Himself as far as I know.

Q Who else? A I don't know.

Q Are you prepared to state that three or four other parties didn't come with him? A No, sir. Do you think I stood around watching who came, but I know Martha and Susie didn't come with him?

Q Now, if you didn't see him come how do you know who came with him? A I didn't know who came with him.

Q Well, you say now that-? A And I don't know when he come either

Q You say that they lived there about how long after the close of the war? A Who?

Q Martha Gales? A They lived there for ten years.

Q Well, how long did you know them in the state of Kansas?

A I knowed them all the time they was there.

Q That would be about ten years? A Yes, sir, I can't be positive of the number of years but they lived there until in the '70s.

Q Mrs. Davis, what do you get for testifying in this case?

A I don't know that I get anything.

Q You haven't been promised anything? A No, sir.

Q You came down here on your own expense? A I was subpoenaed down here and I come; I paid my own fare down here.

Mr. HASTINGS:

Q You supposed you would get witness fees, didn't you? A I supposed I would; I supposed they wouldn't take me away from my housekeeping and everything for nothing.

RICHARD DRAKE, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HASTINGS:

Q What is your name? A Richard Drake.

Q What is your age? A 50.

Q What is your post office? A Fort Scott.

Q How long has Fort Scott been your post office? A Since '70.

Q Where did you live before '70? A I lived in Fort Gibson.

Q When did you come to Fort Gibson? A Along in '61 or 2.

Q You lived there till '70 and went to Fort Scott?

A When I first went there I went to Mackey's salt lick and worked for the government there a while during that time.

Q Did you know a colored woman by the name of Ibbie Brown at Fort Scott? A Yes, sir.

Q Did you know some daughter's of herself, Martha and ~~Kxxx~~ Susan?

A I knew Susan; she had another daughter, but I didn't know her by the name of Martha.

Q What did you know her by? A Henderson.

Q I mean what was her first name? A Henderson was her first name when I knew her.

Q Was it Sarah, Mary, or what? A It was Mat.

Q Well, was Henderson her husband's name? A Yes, sir.

Q Well, now, when did you learn to know these people, this Henderson woman and Susan Brown? A Well, I judge it was right along in '70 or '71, right along in there.

Q Was Mattie Henderson living with her husband at that time?

A I think she were as near as I recollect.

Q Did she continue to live with the same husband? A Well, no.

Q What became of her did she die or did what? A I think they separated.

Q Well, who did she afterwards marry? A She married a man by the names of Gales.

Q Did Susan ever marry to your knowledge? A No, sir.

Q Did you know their mother? A Yes, sir.

Q What was her name? A We always called her Aunt Ibbie.

Q Well, now, how long did you continue to know them up there at Fort Scott after you got acquainted with them as you say in 1870?

A I know Aunt Ibbie clear until she died.

Q How long did you know these girls, this woman?

A Until they left there.

Q About what time did they leave there? A In my judgment they left there about '79 or '80.

Q That is your best recollection? A Yes, sir.

Q During that time that you knew them up there did you see them frequently or occasionally? A Quite often.

Q Were you ever at their house? A I have been at Susan's house; that is, her mother's house.

Q Were you ever at Henderson's house when he was living with this woman? A Not to my knowledge, I never was there.

Q You know what Henderson did? A He were a barber.

Q Did you ever know these people at Fort Gibson before you went up there? A No, sir.

Q You never saw them down there to know them? A No, sir.

- Q And you went from Fort Gibson or vicinity to Fort Scott?
A I went direct from Fort Gibson to Fort Scott.
BY ATTORNEY BROWN:
Q How old were you when you left Fort Gibson? A I could not give the exact date now; something about between 18 and 21 anyway.
Q How old are you now? A 50.
Q Well, you didn't know everybody at Fort Gibson did you?
A No, sir.
Q Great many people that lived there that you didn't know?
A Yes, sir.
Q And some of them that you did know and forgotten? A That is possible.
Q You say Ibbis Brown died up there? A Yes, sir.
Q She never returned to the Cherokee nation at all?
A I could not say at that.
Q How long did Ed Henderson and Mat Gales live together after you went to Fort Scott? A Well, I don't know just how long.
Q About how long? A I am not prepared to say.
Q Ten years? A I don't know.
Q What is your best judgment? A If I give you my judgment at all I would have to give you a guess because I don't know.
Q You know about what time they left there, why is it you can't state how long they lived together? A It seems to me that they separated in two or three years after I went up there.
Q Where did she go to after they separated? A She stayed there.
Q All the time? A Of my knowledge she did.
Q I want to know whether you can swear positive that she did?
A No, I am not prepared to swear positively because I would not see her every day.
Q What year did you say they left there? A I say it was about '78 or 9.
Q Now, can you name any one else that left there? A No, I don't; someone pertain to this case?
Q Well, any case? A No, I don't know anything about anybody else.
Q You can't name any other person that left there at that time?
A I don't know.
Q How is it you remember the year that Martha Gales left there and can't remember when any one else left there? A I might have been in a position to know that.
Q Well, please state it? A Because of the folks that lived down in that neighborhood, did live there, all gone.
Q Why is it you can state when Martha Gales left there and can't remember when any one else left there? A There might have been lots of people left there.
Q Now answer my question, Mr. Drake? A I can't tell you.
Q Mr. Drake, have you ever seen or heard of a copy of the testimony read in this case? A Copy of this case.
Q Copy of the testimony in this case? A Well, I don't know whether I have or not.
Q Don't you know whether you have or not? A I haven't had any copy read to me.
Q Have you read it yourself? A No, sir.
Q Have you seen a copy of it? A Not to my knowledge.
Q If you had seen it you would have known it wouldn't you?
A Possible I would.
Q Have you ever seen anything like that before (copy of testimony shown witness)? A That has never been presented before me before.
Q Look at it and see? A No, sir, I never saw that.
Q Have you heard any statement as to what Martha Gales testified to in this case? A No, sir.
Q You haven't heard anything at all about it? A No, sir.

Q No one has told you when she claimed to have come to the Cherokee Nation for the first time after the war? A No, sir.

Q You have heard nothing of that at all? A No one has told me anything about her coming here.

Q Now, where were you born, Mr. Drake? A Washington County, Arkansas.

Q And you say when you left here you were about twenty years old?

A Left where?

Q For Gibson, Cherokee Nation? A I said somewhere from 18 to 21.

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J. O. Reason, being first duly sworn, states that as stenographer to the Commission to the five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Reason

Subscribed and sworn to before me this February 20, 1902.



Commissioner.

Commissariat

Subscribed and sworn to before me this 1st day of Feb. 1905.

[Handwritten signature]

Notary Public for the State of New York
I, G. C. Bennett, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the
County of [] State of New York.

[Handwritten initials]

Notary Public for the State of New York
I, G. C. Bennett, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the
County of [] State of New York.

Notary Public for the State of New York
I, G. C. Bennett, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the
County of [] State of New York.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 18, 1902.

In the matter of the application of Martha Gales to be enrolled
as a Cherokee Freedman:

Appearances:

Lewis T. Brown, agent, Vinita, I. T., for applicant;
James S. Davenport, Vinita, I. T., for Cherokee Nation.

TESTIMONY ON BEHALF OF THE CHEROKEE NATION.

JOSEPH ALBERTY, being sworn and examined, testified as follows:

- Q What is your name? A Jerry Alberty.
Q What is your post office? A Wagoner.
Q You live in the Cherokee Nation? A Yes sir.
Q How long have you lived in the Cherokee Nation?
A I have lived in there all my life. Born here and raised here.
Q Where were you living in 1855? A At Webbers Falls.
Q How far is Webbers Falls from Fort Gibson, Indian Territory?
A About 30 miles.
Q How long did you live at Webbers Falls after 1863?
A One summer.
Q During the time that you lived at Webbers Falls where did you do
your trading? A At Fort Gibson.
Q When you moved away from there to what point did you go?
A Down on the river about six miles from Wagoner.
Q About how far was that from Fort Gibson?
A That was about 22 or 23 miles from Fort Gibson.
Q Where did you do your trading after you moved down on the river?
A At Fort Gibson.
Q About how long did you live on the river near Fort Gibson?
A About two years.
Q Were you back and forth to and from Fort Gibson during that time?
A Yes sir. I did all my trading and milling and everything else
at Fort Gibson.
Q During the time that you lived there did you have an acquaintance
among the colored people at Fort Gibson? A Yes sir.
Q Did you know a colored woman named Martha Gales? During the
time you lived there on the river? A Not at that time.
Q Have you since that time become acquainted with her? A Yes sir.
Q Well you understand what years it was you lived on the river near
Fort Gibson, about 15 or 20 miles from there?
A It was '87 and '68 and a part of '69.
Q Since that time have you become acquainted with a woman named
Martha Gales and a man named Pomp Brown? A Yes sir.
Q When did you first get acquainted with them, and where were they
when you first saw them? A I never saw them at Fort Gibson
but once.
Q When was it you saw them at Fort Gibson?
A It must have been in '72 or '73; sometime about the 70s.
Q What were the circumstances under which you saw them that
called your attention to them?
A By the people there in the town. I made inquiry who they were.
Q Were they living there? A No sir they just come in.

Q. How do you know they just come in ?
 A. They come in and get off the stage.
 Q. Was there anything special that caused you to notice them and inquire as to who they were; did anything come up with reference to traveling, or anything ?
 A. Nothing more than that the people appeared to be glad to see them.
 Q. Well now after you saw them there in 1870 get off the stage, where did you next see them, and where were they ?
 A. I don't remember. I know it was a good long while after that before I saw them again.
 Q. Who was it that you saw get off the stage ? A. Just the two.
 Q. Give their names ? A. Martha Brown and Pomp Brown.
 Q. You didn't see anyone else ? A. That's all the two I saw.
 Q. The same woman goes by the name of Martha Gales ? A. Yes sir.
 Q. Do you know her now as Martha Gales ? A. Yes sir.
 Q. Do you know where they came from; did you have a conversation with them ? A. Not in particular.
 Q. When you next saw them after the time you saw them get off the stage at Fort Gibson where were they ?
 A. I saw Martha Gales at Fort Gibson the next time I saw her. That was the time of the census roll there.
 Q. The Clifton roll ? A. I guess so.
 Q. Did you know anything about where she had been living in the meantime ? A. I think she had been living about Brushy Mountain.
 Q. Where did you next see Pomp Brown ? A. I saw him so many times I can't tell you where the first place was.
 Q. Do you know where he was living ? A. At Vinita a while. I saw him at Vinita and I thought I saw him here in a barber shop.
 Q. Do you know where Martha or Pomp Brown had been ?
 A. No sir.
 Q. That was the first time you ever saw them ? A. Yes sir.
 Q. You had been back and forth to Fort Gibson trading ever since 1866 up to the time you saw them get off the stage, and never saw either of them before ? A. No sir. That's the first time I ever saw them.

Examined by Lewis T. Brown:

Q. Where did you say you lived during the years 1867, 68 and 69 ?
 A. I lived in 1867, 68 and part of 69 down here on the river, and then moved beyond the creek, down near Will Alberty's old place.
 Q. How far is that from Fort Gibson ? A. Twenty some odd miles.
 Q. About twenty how many ? Is it 25 or 23 or 24 ?
 A. It is called twenty five miles.
 Q. When you told Mr. Davenport it was 15 or 20 miles from Fort Gibson you were mistaken were you not ? A. Well I was just guessing at it just as I am doing now. I don't know yet how far it is.
 Q. When was it you say you saw them in Fort Gibson ?
 A. I can't state the year exactly; sometime about the first of the 70s, 73 or 74.
 Q. You stated a while ago that it was 72 or 73 didn't you ?
 A. It was somewhere along there. I think I was living beyond the creek at that time.
 Q. When was it you say you next saw Martha Gales ?
 A. I saw her at the Clifton enrollment at Fort Gibson.
 Q. Well now where did she live from 72 or 73 when you claim you saw her at Fort Gibson until you saw her in 1880 at the Clifton court ?
 A. I can't tell you.
 Q. What's your information ? A. They said at that time that she was living over about Brushy Mountain.
 Q. That's in the Cherokee Nation isn't it ? A. Yes sir.

Q Why do you remember seeing her so well, you say you do not remember who else got off the stage except them. What impressed that upon your mind that you should remember that for 30 years?

A Seeing them get off?

Q Yes sir. A I seen him get off and the reason why I know it, people were shaking hands with him and caused me to make inquiry you know.

Q Uncle Jerry did you ever see another man get off the stage in your life? A Oh yes lots of them.

Q Did you remember when they got off the stage? A I remember some of them.

Q In 1872 and 1873, as you claim, there was no railroad going into Fort Gibson? A No sir.

Q Any one going from any point to Fort Gibson would necessarily have to come in there by wagon road? A Yes sir.

Q When was it you next saw Pomp Brown after 1872 or 1873? A I can't tell you the next time I saw him, but I saw him in a barbershop.

Q Whereabouts? In Muskogee or Vinita I don't know which.

Q What year was it? A I don't know. I don't know what year it was.

Q You remember when you first saw him? A Yes sir.

Q Then why is it you cannot remember when you next saw him? A I didn't keep no record of it.

Q Did you keep a record of the first time? A I was keeping a record at that time.

Q For what purpose? A I kept it in my mind. It was right after the war at that time. After 1866 I kept time pretty well.

Q For what purpose were you keeping a record as to when Pomp Brown came to the Cherokee Nation? A I kept a record of how many years I stayed at the river place and at the old place, and after that time I never kept a record.

Q For what purpose were you keeping a record as to when Pomp Brown returned to the Cherokee Nation? A I never had any.

Q Didn't I tell you it was on account of people being glad to see him the reason I made inquiry?

Q The reason you remember it is that people were glad to see him? A I says "Who is them folks?" and they says "Pomp Brown and his aunt", or some of his relations. Then Henry Scales made a remark about his trunk. He had a trunk he wanted somebody to haul, and Henry Scales made a remark about the trunk. He was trying to hire somebody to haul it to some house, and Henry Scales told him he says--

Brown: Don't repeat anything Henry Scales said. The question is objected to. Comes now the applicant and objects to the witness being allowed to relate any conversation that Henry Scales might have had with Pomp Brown for the reason that it is hearsay evidence and for the further reason that Pomp Brown and Martha Gales are both dead, and neither can be here to affirm or deny witness' statement.

The Commissioner: The objection will be noted. The witness will be allowed to answer the question.

Mr. Davenport: You started to tell about a trunk, go ahead?
A That's my reason why to know that.

Q Tell what they said to each other. That's what you started to say.

A Scales asked him "Why don't you carry your own trunk"? He said "I am not going to carry it as long as I got money". He said "Look here nigger before you been here six months you will take your trunk on your shoulder and pack it yourself". By that reason I got to making inquiries! You wanted to know why I made inquiry about him.

Examined by Lewis T. Brown:

Q You remember that conversation that took place 30 years ago?

A Yes sir.

Q Uncle Jerry how many years was it from the time you first saw Pomp Brown at Fort Gibson until you saw him again?

A I can't tell you.

Q About how long? A 4 or 5 years. Maybe longer.

Q Where was he then? A In a barbershop, I can't tell you where it was.

Q Where were you living then? A Here on the creek.

Q You don't remember when you saw him? A I saw him the next time in a barbershop.

Q If in 1872 or 1873 Pomp Brown had been going to Fort Gibson from either Vinita or Muskogee, wouldn't it have been necessary for him to have taken the stage in order to go there? A Of course.

Q In order to go from any point in the Cherokee Nation wouldn't it have been necessary for him to have taken the stage to go there?

A Yes sir.

Q Mr. Alberty you know Mary Greggs a white woman who lived down near Webbers Falls? A No sir.

Q Where were you living in 1863? A Near Webbers Falls.

Q I will ask you if at that time a woman named Mary Greggs wasn't living there and is living there to-day?

Question objected to by attorney for the Cherokee Nation, and the objection sustained by the Commission.

Q Uncle Jerry did you know everybody that was in Fort Gibson in the fall of 1866, A No sir, never knowed all of them.

Q There were a great many people there at that time that you didn't know? A Lots of them.

Q Are you prepared to state that in the month of November, 1866, Pomp Brown was not in Fort Gibson? A No sir.

Q Did you know Bill Brown during his lifetime? A Yes sir.

Q He was there during that time? A I think he was, I wasn't acquainted with him at that time. I heard the name called a right smart, but I wasn't acquainted with him.

Examined by Mr. Davenport:

Q You don't know of your own knowledge where Bill Brown was until you got acquainted with him? A No sir. First time I saw him was right here.

By, Lewis T. Brown: When was that?

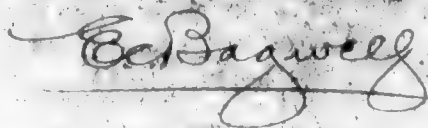
A Along in 1878 or 1879.

The Commission: This testimony will be made a part of the record in the following Cherokee Freedman cases: D 93, D 94 D 256.

Lewis T. Brown: In cases D 94 and 256 applicant objects to this testimony being thrown into it, for the reason that he has never been notified that this testimony would be taken on this day. And for the further reason that he has additional evidence which he intends to introduce, and has only been waiting until notice has been served upon him that the Cherokee Nation would present their testimony to produce it.

The Commission: It appears from the records of the Commission that the agent of the applicants Martha Gales and Susan Brown is also agent for the applicant Ellis A. Hill whose name appears upon D 256, and that applicant is representing himself in case No. D 94; consequently the testimony will be filed in said cases.

F. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the above and foregoing is an accurate transcript of his stenographic notes thereof.



Subscribed and sworn to before me this February 26, 1902.



Commissioner.

X 093

SECRET

Transcribed and sworn to before me this 14th day of...

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(Signed) W. D. Green

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I, W. D. Green, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the files of the...
W. D. Green

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Blouin and D. S. Hite...
in the case of...
attendant to the...
W. D. Green

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attendant to the...
W. D. Green

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C.F.D-94

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 3, 1902.
SUPPLEMENTAL TESTIMONY AND PROCEEDINGS ON BEHALF OF CHEROKEE NATION,
in the matter of the application of Louis T. Brown for enrollment
as a Cherokee Freedman.

Appearances:

Applicant in person;
L. B. Bell, of attorneys for the Cherokee Nation.

BY MR. BROWN: Applicant objects to the introduction of any testimony tending to disprove his citizenship, for the reason that he is the descendant of a person whose name appears upon the authenticated roll of 1880, and that the decree of the United States Court of Claims of date February 3, 1896, and number 17, 209, under which this Commission is making a roll of Cherokee Freedmen, strictly forbids the introduction of any testimony tending to disprove the citizenship of any person whose name appears upon the authenticated roll of 1880, and their descendants.

BY COMMISSION: The objection of the applicant is noted, and the testimony will be taken.

PLEASANT N. BLACKSTONE, being first duly sworn and being examined, testified as follows:

BY MR. BELL:

- Q. Give him your name? A. Pleasant N. Blackstone.
Q. Your residence? A. Live in Muskogee now.
Q. Age? A. I am about 60 years old.
Q. Were you ever a resident of the town of Fort Gibson, Cherokee Nation? A. Yes sir.
Q. When? A. From December '36 until about, I stayed there three years, I can't be exact as to the time, but about three years.
Q. What were you doing there, what was your business? A. Well I first worked for the quartermaster a little while there, and then I worked for Mr. F. H. Nash there in the mercantile business; next worked there nearly three years.
Q. About what was the population of that town then? A. About a baker's dozen.
Q. Leaving the soldiers out? About a baker's dozen; there was not many, but a small town.
Q. Was there a barber shop in Fort Gibson when you stayed there?
A. Yes sir, I think so.
Q. Who had it? A. First barber shop I remember there was Henry Soales and a fellow named Charley Foreman; that was when I first went there, they were running a shop there, and later on I believe there was another shop by the name of Andy Murrell.
Q. How long did Andy Murrell run his shop there? A. I don't know. I think he was killed some time during the next summer or fall, of '57.
Q. Well he quit running it then did he? A. Yes, I think he quit running it, yes sir.
Q. Did you know who followed Andy Murrell in that shop? A. I think it was a fellow named Bill Brown.
Q. Bill Brown, was he a freedman Cherokee or a white man? He was a Cherokee Freedman I heard, he always claimed to be.
Q. Did you have any particular acquaintance with him? A. Yes, I knew him for awhile.
Q. Was he the William Brown that is the uncle of this Martha Gales that lives in this town, or a relation of hers? A. I don't know that.
Q. Are you acquainted with Sam Brown?
Q. Was he Sam Brown?

of my own knowledge.

Q. Now I will ask you did this Bill Brown run a barber shop in Fort Gibson in '66? A. No sir.

BY LEWIS T. BROWN:

Q. I will ask you if Pomp Brown was in Fort Gibson in the fall of '66? A. I don't know, I don't think so.

Q. Do you swear he was not there? A. No, but I never saw him, nor never heard of him.

Q. There were possibly a great many people that you did not see, and never heard of were there then? A. It was a small place, and I would have been apt to see them or get acquainted with them.

Q. You knew every colored person that was in Fort Gibson in '66?

A. I think I knew everybody there.

Q. Did you know every body there? A. I guess I did.

I want to know whether you swear positively that you did? A. No I wont swear that.

Q. Now you stated in answer to Mr. Ball's question that there were about a baker's dozen there; now name this dozen that were there in '66? A. Well I cant going to try that.

BY COLMISHION:

Q. Can you do so Mr. Blackstone? A. No, I couldn't tell it that way.

BY BROWN:

Q. You say you knew everybody that was there? A. Yes sir, I did I think.

Q. That was about a dozen there? A. Oh there were more than that, I didn't know the soldiers.

Q. Isn't it a fact that there were as many as three or four hundred negroes around there during the year? A. I don't know how many there was around there, there was a good many that was there, it was a small place, I don't know how many.

Q. Isn't it a fact that there were as many as three or four hundred?

A. No, I don't know that.

Q. You wont swear there was that many? A. No, I wont swear there were or wasn't.

Q. You didn't know all the colored people in town? A. I think I knew pretty near every colored man in town.

Q. Did you know all of them? A. No, I wont say that.

Now Mr. Blackstone, when did you first see Pomp Brown? A. First time I remember I ever saw Pomp Brown was in here in this town.

Q. What year was that? A. I don't remember, but he was here, barber.

Q. How long was it after you left Fort Gibson? A. Oh I left Fort Gibson in '69 or '70, I wont be certain which; '70 I guess.

It was in '70 you saw him? A. He no.

Q. When was it you saw him the first time? A. After I lived here in town.

Q. How long was it from the time you left Fort Gibson until you saw him? A. It might have been five or six years.

Q. Then if you left there from '69 to '70, you saw him in '74 or '75.

A. I didn't say within, I didn't live near here; I lived on the river, four or five years before I came here.

Q. About what year was it when you first met Pomp Brown? A. I can't place the year, but I remember after I moved to town, I moved to town, I moved here in '72, after I come here.

Q. You moved to Muskogee, is that so? A. Yes sir.

Q. And Pomp Brown was here after you moved to Muskogee? A. That is the first time I ever saw him.

Q. That is the Pomp Brown you were talking about? A. Yes, the one that was killed up here in the stable.

Q. You are positive that you moved to Muskogee in 1867? A. Yes sir.

Q. And it was after that time you saw Pomp Brown? A. No, I moved here in '72 I guess.

Q. How thick is it, '69 or '70? A. '69.

Q. How long was it then from the time you moved here until you saw Pomp Brown? A. Oh I don't know.

Q. About how many years? A. I don't know.

Q. Give us your best judgment? A. Oh I couldn't tell you, I won't try.

Q. I want you to give us some kind of an estimate? A. After I moved here he was a barber here, I don't know how long he had been here or anything about it; he was here when I first moved here, but after that he moved here.

Q. How long after that was it? A. I don't know.

As much as four years? A. It might have been, and it might have been one year, I don't know.

Q. That as near as you can come to it? A. Yes sir.

Q. You are positive you moved here in 1883? A. Yes sir.

Q. You say some time from the time you moved here in '83 until Pomp Brown came here and run a barber shop in the city of Muskogee?

A. I don't know whether he run a barber shop when he was killed here or not; I forgot; he run a barber shop in Vinita.

Q. Did he run a barber shop in Muskogee any of the time from '83 down to when he was killed? A. Yes sir.

Q. You swear that do you? A. Yes sir, in the summer.

Q. It was after 1883? A. Yes sir, I think so.

You are positive that it was after you come to this country?

A. Yes sir.

Q. That is, to Muskogee? A. Yes sir.

Q. And you came here in '83? A. Yes sir.

Q. And this Pomp Brown ran a barber shop in Muskogee before 1883?

A. Yes sir.

Q. In the fall of '86 there were a great many colored people coming to Fort Gibson? A. I didn't see a great many.

Q. Did Pomp Brown come? A. I never saw him.

Q. You are not going to swear positively that Pomp Brown was not there in 1887? A. I am going to swear I never saw him.

Q. Will you also swear positively that Bill Brown didn't run a barber shop in Fort Gibson in the fall of 1887? A. Yes sir, I will swear that he was not there.

BY MR. PHILLIP:

Q. Your business was clerking in the dry goods store there was it not? A. Yes sir.

Q. People of the town trading in there? A. Yes sir.

Q. And that was your means of knowing these folks? A. Yes.

BY BROWN: Wait a minute; you are asking for conclusions.

F. H. Nash, being first duly sworn, and being examined, testified as follows:

BY MR. PHILLIP:

Q. Give him your name, Mr. Nash? A. F. H. Nash.

Q. Post office? A. Fort Gibson.

Q. Your age? A. 36.

Q. How long have you resided in Fort Gibson? A. About 49 years.

Q. Were you in that town in the year 1866? A. Yes sir.

Q. What was your business there? A. Merchandising.

Q. Was there a barber shop run in that town during the year 1866 that you recollect of? A. Best of my recollection there was, yes sir, '66 and '68.

Q. Do you know who owned the shop? A. Andy Murrell, that is the best of my recollection.

Q. Do you know who bartered for him? A. Well it strikes me a man named Charley Foreman; he didn't run it himself, but to the best of my recollection Charley Foreman run it.

Q. Now I will inquire if you are acquainted with one William Brown, a colored man, who did run a barber shop in Fort Gibson?

A. Yes sir, he afterwards moved to Muskogee, I think.

Q. He is dead now is he? A. Yes sir, so I have been told.

Q. When was he a barber shop in Fort Gibson? A. It was after Murrell was killed, to the best of my recollection.

Q. And when was Murrell killed? It was, I will not be positive, but it was either in '67 or '68, it strikes me though it must have been '68, early in '68, it was either '67 or '68.

Q. During the year 1866 did you see anything, or was Bill Brown running a barber shop in the town of Fort Gibson? A. Not that I recollect of it at all; I have no knowledge or recollection of it.

Q. How far was this shop of Murrell's from your place of business? A. Oh it was probably a hundred yards or such matter; I don't remember exactly now; it was across the street though, it strikes me. Had a shop at one time on the same side of the street, and then afterwards across the street; it strikes me it was across the street.

Q. Did you have any work done for yourself in that barber shop? A. Yes sir, I have been shaved there.

Q. You didn't see Bill Brown in the year '66 shaving there? A. No sir not that I recollect.

BY LEWIS T. BROWN.

Q. When did you first become acquainted with Bill Brown? A. It was after he went into the barber business; after Murrell was killed.

Q. When was that? A. '67 or '68, I am not positive.

Q. If this man Murrell was killed on the third day of March, 1868, then Bill Brown run a barber shop after '68 did he? A. It was after Murrell was killed I think, I don't remember when Murrell was killed; I see you have got the date, I guess it was about '68.

Q. Now Mr. Nash, was Bill Brown in Fort Gibson in the year '66?

A. Not that I remember; I have no recollection of it.

Q. There were a great many people around there at that time, were there not? A. No sir, not a great many.

Q. There was more than a baker's dozen, wasn't there? A. Oh yes sir, there was soldiers there.

Q. There were as many as three or four hundred colored people around there? A. Yes sir, I expect there was.

Q. You were in business there at that time, as other merchants were?

A. Yes sir.

Q. You didn't try to keep any record there as to when people came and went out? A. No sir.

Q. Nor do you propose to state the exact year that some man ran a barber shop in Fort Gibson some 35 or '6 or '7 years ago?

A. No sir.

Q. You are only testifying as to your best recollection? A. That's all.

Q. You can't swear positively that Bill Brown was not there in Fort Gibson in '66 can you? A. No sir, I can't.

Q. Did you know Pomp Brown during his life time? A. Old Pomp? Yes? A. Yes sir.

Q. When did you first get acquainted with him? A. Before the war, no. I am thinking of Pomp Thompson; I don't remember Pomp Brown; I might know him if I was to see him, but I don't remember him.

Q. You want swear that he was not there in the fall of '66? A. No sir, I couldn't swear he was or he was not.

Q. Nor do you swear positively that Bill Brown was not running a barber shop there in '66? A. My impression is that there was but one shop, run by Andy Murrell; and Bill Brown bought it after Andy Murrell was killed.

Q. That was about 36 years ago? A. Yes sir.

Q. And your memory is not clear entirely upon that point? A. It is as clear as any one else's I expect could be.

Q. You want attempt to swear that he did not run a shop there in '66?

A. No sir, but I don't think he did, to the best of my recollection he did not.

BY MR. BROWN.

Q. You were asked the question if there was not three or four hundred colored people around there; do you mean in the town, or in the country around there? A. Oh scattered out in the suburbs, they were

there,--the cholera was I think in '67 was it not; there was a great many colored people and the cholera was so bad that the commanding officer moved them to Four Mile Branch, gave them tents to live in and rations to eat and burned up their cabins, and there were then very few about Fort Gibson from that on until quite a length of time on, most all of the colored people moved out of Fort Gibson in '67, and that makes me believe more firmly yet that there couldn't have been but one barber shop there, because there was not many colored people in Fort Gibson in '68; they had moved out.

BY BROWN:

Q. And that is why you testify as you have? A. Yes sir.
Q. You didn't own the only store in Fort Gibson in '66 did you?

A. No sir.

Q. Well Nip Blackstone used to work for you there? A. Yes sir.
Q. And his duties were at your store, and not at Somebody's else's store? A. Oh I guess he was in some body else's store too; I don't suppose he confined himself strictly to my store; and he worked for the Government before he worked for me, in the quarter master's department, some six or eight months I think.

McCOY SMITH, being first duly sworn and examined testified as follows:

BY MR. BELL:

Q. What is your name? A. McCoy Smith.
Q. What is your residence? A. Canadian District.
Q. Age? A. 55.
Q. Where were you in 1866? A. Over here on Canadian until the latter part.
Q. Did you live about Fort Gibson in '66? A. I come there in November '66.
Q. What time in November, if you recollect? A. About the first.
Q. Do you know who was running a barber shop there in November 1866?
A. Andy Murrell.
Q. During that month of November, 1866, did you ever see one William Brown, Freedman, in that shop running it? A. No sir, never did.
Q. Well did he run that shop any time after you come there during the year 1866? A. I never saw him there until, oh it was 4 or 5 years after that ~~that I saw him there~~ before I saw Bill Brown there; I don't know exactly when it was, but it was 4 or 5 years after that.
Q. Well you knew William Brown did you? A. Yes sir.
Q. Was he Pomp Brown's uncle? A. I didn't know Pomp Brown.
Q. Do you know what become of that William Brown? A. I understood he died here at Muskogee.
Q. He moved away from there and came to Muskogee did he? A. Yes sir.

BY BROWN:

Q. You state now ~~that~~ Mr. Smith that Andy Murrell ran a shop there in November '66? A. Yes sir.
Q. How long did Andy Murrell run that shop? A. Until I think about '68 when he was killed.
Q. Then he sold out did he, to who? A. I didn't know he sold out to any body; I think that Henry Scales and Charley Foreman I think run that shop after that.
Q. Now your recollection is Andy Murrell run that shop and sold out to Henry Scales? A. No I didn't say he sold out.
Q. Well Henry Scales ran the shop after Andy Murrell? A. Yes sir.
Q. When did you first see Bill Brown in your life? A. That was about, oh I don't recollect exactly when it was.
Q. About that year? A. It must have been about '68 or '69, or '70, I saw him down there at Gibson.
Q. What was he doing there? A. He wasn't doing anything when I saw him.
Q. That is the first time you ever saw him in your life? A. No, I know him before the war. Q. Now the first time you ever saw him after

the war was in '69?

A. Yes, somewhere along that time, '69 or '70.

Q. There were a great many ~~people~~ colored people around Fort Gibson in '66 and '7 and '8? A. Yes sir.

Q. It was impossible for you to know all of them? A. It was impossible for me to know all of them, and a heap of them I never did know.

Q. Pomp Brown might have been there in '66 and you not have known it? A. Yes, he could have been there and I never did know him.

Q. All that you know about it is that some man ran a barber shop, name Andy Murrell, there in '66? A. Yes sir.

SALLIE LOVING, being first duly sworn and being examined testified as follows:

BY MR. HASTINGS:-

BY BROWN: I would like for the record to show that during the examination of the three former witnesses this witness was in the ~~room~~ room.

WITNESS: I was standing there by your lawyer at the door; I suppose you can prove it by him; he will tell you I was standing there by him, giving him a pointer too.

BY MR. HASTINGS: Did you hear the statement of these other witnesses? A. I didn't hear it.

Q. What is your name? A. Sallie Loving.

Q. What is your age? A. I was born in '61 in March.

Q. Did you ever know a colored man named Pomp Brown? A. Yes sir.

Q. Where did you know him? A. In Fort Scott; I went to school with him.

Q. When was that? A. In the sixties.

Q. Well did you know him after that? A. I knowed him in Humboldt. He was running a barber shop in Humboldt, and I went therein '69 and I left there in '72, and he was still running a barber shop.

Q. Did you leave him there? A. Yes sir.

Q. Did you know Martha Gales? A. Yes sir.

Q. Where did you know her? A. In Fort Scott.

Q. When? A. In the sixties.

Q. How long did you continue to know her? A. Up until she left there in '84.

Q. Did she live there all the time up until 1884? A. I never missed her out of the town ~~there~~ while I was there..

Q. Did you know Susan Brown? A. Yes sir.

Q. Where did you know her. A. Went to school with her,

Q. Where at? A. Fort Scott.

Q. Did you know their mother? A. Aunt Ibbie?

Yes. A. Yes sir.

Q. How long did you continue to know Susan Brown in Fort Scott?

A. I left there in '69 and when I come back in '72 she was still there.

Q. Between '69 and '72 you were at Humboldt? A. Yes sir.

Q. And there you knew Pomp Brown? A. Yes sir.

Q. Did you know Bill Brown? A. Slightly; he left there before I got acquainted with him much..

Q. You don't know just what time he left? A. No, I don't know.

BY BROWN:

Q. How old were you Mrs. Loving, when you left Fort Scott?

A. I was going into 9 years old. Q. And how long did you remain away from there?, you say? A. From '69, I went there and stayed until '72.

Q. How then you say you went to school with Pomp Brown? A. Yes sir.

Q. During what year? A. In the sixties. School started in I think '65, and I went to school until I left there in '69; he was a big

fellow; what you would call a young man. Well he was a man ... ed more like you.

Q. What is the Pomp Brown you talk about? A. Yes, that is the Pomp Brown

Q. When did you say you returned back to Fort Scott? A. '72.

Q. And at that time you left Pomp Brown at Humboldt, Kansas, running a barber shop? A. Yes sir. From there he either went to Cherokee or Texas I don't know which.

Q. Or the Cherokee Nation? A. No, I don't think he went to the Cherokee Nation until later on.

Q. You don't know when he went to Humboldt? A. I don't know, he was there when I got there in '69.

Q. When did he leave Fort Scott? A. He must have left some time in '69 or something I think along in there.

Q. You say you don't know when he left, but you found him in Humboldt; now when did he leave Fort Scott? A. He might have gone one one train and be on another.

Q. When did he leave Fort Scott; that is what I want to get out?

A. I left there in '69; I don't know when he left.

Q. You don't know where he went when he first left? A. No, I don't know.

Q. He might have come to the Cherokee Nation when he first left?

A. Yes, he might have.

Q. You won't swear that he didn't? A. No, I am not swearing only to what I know.

Q. Well now in November 1865 where was Pomp Brown? A. He must have been in Fort Scott.

Q. How do you swear positively that he was? A. Yes, I have no other reason to say so, because I never went to school over three years, hardly three.

Q. About how old were you in '65? A. I was past four years old.

Q. You went to school when when you were four years old? A. Yes sir, I was lots smarter than lots of young ones now eight or ten, from all accounts I can get.

Q. When did you quit school? A. '69.

Q. You went to school four years then? A. No.

Q. You started in '65 and quit in '69? A. Well in that neighborhood I said two or three years, three or four years, yes.

Q. I believe you stated in another case that you were married when you were 12 years old? A. Yes sir.

Q. How long was it from the time Pomp Brown left Fort Scott until you were 12 years old? A. What?

Q. How long was it from the time that Pomp Brown left Fort Scott until you were 12 years old? A. Well I was 12 years old when I was 12 years old; I left there in '69, I come back, I was past ten when I started back to come home, past eleven.

Q. What I am trying to get at is this; understand my question; how long was it from the time Pomp Brown left Fort Scott, until you were 12 years old? A. I don't know the time he left there; I didn't keep any blocks on him; I don't know what time he left there; I knew he was there; I knew he went to school; I don't know how long he went to school.

Q. He didn't go to school all the time with you? A. I don't suppose he did. I had to help my mother also half a day and go the other part of the day.

Q. He might have left there in the fall of '65 and you not know it? A. No, I don't think he did, I don't think he left there in '66.

I couldn't positively say what year it was he left there.

Q. You say you and he went to school together? A. Yes sir.

Q. And he didn't go to school all the time that you did? A. He was living there and I think, I don't know when he left.

Q. When he was not going to school where was he? A. How did I know?

Q. ...

Q. ...

Q. You wouldn't swear he was in Fort Scott when he was not going to school? A. He was liable to have been-

Q. Liable to have been anywhere else as there? A. Yes for a short little time.

Q. Well so it is a minute? A. Yes, so it is '66, I see what you are at.

Q. From '59 until '72 you were away from Fort Scott and lived in Humboldt, Kansas? A. Yes sir.

Q. Pomp Brown was there then? A. Yes sir.

Q. Now I want to ask you again how long it was from the time Pomp Brown left Fort Scott until you were 12 years old? A. I don't know, taking time to count it up.

Q. Well take time, take all this evening. A. I don't have to count years, old when I was 12.

Q. How long was it? A. I am liable to be 4 or 5 years older than I was only told by my mother's young master, I was liable to have been older, I couldn't have been any younger; I am counted in the State of Kansas the youngest mother, and the youngest grand-

Q. Please answer my question? A-

BY COMMISSION: Can you answer the question?

BY MR. HASTINGS, of Attorneys for Cherokee Nation: That is objected to by the representatives of the Cherokee Nation, and is not being proper cross examination.

A. Not without I take time to count it up I say; I left there in June 1869, and when I went to Humboldt he was there.

BY COMMISSION:

Q. When did you last see Pomp Brown before he went away? A. Oh must have seen him two or three months before he was killed.

Q. How long before you left Fort Scott did you see Pomp Brown?

A. I don't know. It might have been two years and it might have been one.

Q. You have absolutely no idea how long it was? A. No sir, I know it was in that time he was there.

BY BROWN:

Q. You were only five years old in '66? A. From the way I was told, yes sir.

Q. You know your age? A. I don't really know it? I haven't got my mind down. I was only told that I was that old; I am liable to be older, I couldn't be younger. I have got a pretty good memory for things of that age. The folks at home say so, that's all I have got, and my body's word.

Q. In reference to the time that Martha Gales left Fort Scott is it not a fact that when you went away from Fort Scott in '69 and after you returned in '72 that Martha Gales was not there? A. She was in Fort Scott.

Q. After you returned from Humboldt? A. Yes sir.

Q. After '72? A. Yes sir. She run a barber shop in front of Washburner's clothing store; her husband, Ed Henderson, run a barber shop, she shaved along by the side of him; every old settler in this house knows that.

Q. Did she live there continuously from '72 until '84? A. With me she was gone when I went in '72.

Q. Then if Jerry Alberty testified that he saw her and Pomp Brown at Fort Gibson in '74 he might have been mistaken? A. I know she was on a visit. Q. She might have been gone as much as a month? A. Yes sir, might, I don't know.

Q. When you were five years old might she not have been gone a month or two? A. Yes, that is what I say, she might have been gone a month.

Q. When you were five years old might not Pomp Brown

C. J. D-94

have been part a month or such matter? A. Yes sir.

Q. All these things are mentioned? A. Yes sir.

Q. You are the same lady who was called in the case of Becky Webber are you not? A. Yes sir.

Q. Go ahead, say if you were there no cases, because

Q. I don't know what I was going to say, you said I was to go away and stay a week; I could not tell that, you said I was to go away; I don't remember; I missed him out of there; I don't remember the girl.

BY BROWN: I would like to have a copy of the testimony of this witness in the case of Becky Webber, D-435, made a part of the record in the case at bar, and also in D-92, Martha Gales, and D 93, Susan Brown and D 256 Ella J. Hill.

BY COMMISSION: The testimony in this case will be made a part of the record in Sherdree Freedmen doubtful cases D 92 D 93, D 256 and the case at bar.

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) M. D. Green.

I, Frances S. Batefuhr, being first duly sworn do state that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing copy and that the same is a true and complete copy of the original transcript.

Frances S. Batefuhr

Subscribed and sworn to before me this 14 day of April, 1902

Philip R. Austin

Notary Public.

File in W.D. 95

R.
C. T. D. 435.

Department of the Interior,
Commission of the Five Civilized Tribes,
Muskogee, I. T., March 3, 1908.

Supplemental testimony on behalf of Cherokee Nation, in the
matter of the application of Becky Webber for the enrollment of
herself as a Cherokee citizen.

Appearances:

Mr. Hallette, of Hallette & Smith, Vinita, I. T. attorneys
for the applicant;
W.W. Hastings, of attorneys for the Cherokee Nation.

Sallie Lovings, being first duly sworn and being examined
testified as follows:

By Mr. Hastings:

- Q What is your name? A Sallie Lovings.
- Q What is your postoffice? A Fort Scott, Kansas.
- Q What is your age? A Born in '61, in March.
- Q Born in March, '61, where were you born, Fort Scott? A Nevada,
Missouri.
- Q When did you come to Fort Scott, Kansas? A '63.
- Q You were two years old? A Yes sir.
- Q Did you ever know a colored woman in there named Becky Webber?
A Yes sir.
- Q Did she have any children, the Becky Webber, you know? A Yes sir.
- Q Give some of their names? A Well there's one, boy named Fobby.
- Q You know whether that was a nick name? A Yes sir, that was a
nick name.
- Q What was his correct name? A Why I have forgotten now, Lewis.
- Q Did she have another one? A She had two girls.
- Q What were their names? A One of them was named Lydia and the
other one was, the, oh I can't, aint that funny, I can't remember
their names, Lydia and I can't think of the other one.
- Q You think of any other boys name besides Lewis? A Their names
are on the end of my tongue, but I can't call it, it has been so
long since I saw them; one of them's name was Lydia.
- Q Now think about the boys' names? A Lewis, called him Fobby,
nick name.
- Q Any other boy you think of now? A No, if she had another one I
don't remember it now.
- Q You remember a boy named Ellis, you remember? A I have heard the
name.
- Q Do you remember him? A No sir.
- Q How long did you live in Fort Scott continuously? A From '63
until '69.
- Q Do you know where Becky Webber was when you left there in '69?
A I think she was over across Mill Creek, lived near the magazine.
- Q How far was that from Fort Scott? A About a mile or such a
matter I don't think it was any further.
- Q Did you afterwards come back to Fort Scott? A Come back in '72,
yes sir.
- Q Was Rebecca Webber there then? A Yes sir.
- Q Well about when did she leave there? A Well she didn't leave
there a great while ago, might have been in '80, '70 or '80 or '9
I think in there somewhere, to the best of my knowledge.
- Q Well did you live there after you came back in '72, continuously?
A Yes sir.
- Q Where did they live in '78 when you came back over there, near
the magazine, or had they moved? A No I don't know where they
lived.
- Q You know whether any of these children attended school or not?
A Yes sir.

Q Did you go to school there to? A Yes sir.
 Q Go to school together? A Yes sir.
 Q That was after you got large enough to go to school? A Yes sir,
 went to school with them two or three years.
 Q You were born in March, 1861? A Yes sir.

By Mr. Hellette:
 Q Are you a married woman? A Yes sir.
 Q How long have you been married? A Since 1877.
 Q How old were you when you were married? A I was 12 years old.
 Q 12 years old when you first married; you were married in '77,
 you are certain about that now, are you? A Yes sir.
 Q You say from '61 to '77 is 12 years do you? A Well that is
 when I was married.
 Q You remember when you were first married? A Yes, I do.
 Q When were you first married? A 5th day of September, '77.
 Q How old were you when you were first married? A I was 12 years
 old.

Q That is all the knowledge you have of it is it? A Well that was
 the date that my mother's young master gave me, of course I was
 born in slavery; I was born in '61.
 Q Where were you born? A Nevada, Missouri; there is no colored
 people hardly ever asked in the early days about birth.
 Q Were you ever in jail? A Many a time, for fighting about my
 husband.

Q How many times were you in jail? A I don't know; any time any
 woman got after him I whipped her; anybody will tell you that.
 Q Give us an idea of how many times you have been in? A I don't
 know; I never kept count; I was in jail nearly the whole four or
 five or six years while I lived with him.
 Q Have you ever been in jail since then? A No sir, only on false
 pretense, when he tried to get me to live with him and I beat him;
 and I have got a witness for it; that is the only man I ever married.
 Q Have you any children? A Yes sir.
 Q How old are they? A My daughter is 27 years old.
 Q 27 years old? A Yes, she is 27 years old.
 Q She was born before you married then? A Yes.
 Q How long before you married your husband? A Well, she, was, I
 have got 8 children.

Q You were married in 1877? A I have got two children, both of my
 children were born before I was 17 and before I was married.
 Q You have been married then about, your daughter was born about how
 long, about two years before you were married, that right? A Yes sir.
 Q Then you wasn't but ten years old at the time your daughter was
 born according to your testimony; you say you were married when you
 were 12? A Yes, I was.

Q You stick to that do you? A Yes, as near as I was told.
 Q You came to Fort Scott in '68? A Yes sir.
 Q You were 8 years old at that time? A Yes sir.
 Q You remember the event well do you, when you came to Fort Scott?
 A Yes, I remember a little about it.
 Q You remember a little about when you were 8 years old? A Yes sir.
 Q You remember seeing Becky Webber as soon as you got there? A No,
 all I remember the government soldiers bringing them in there by
 the hundreds; she was with the rest of them.
 Q You lived there and left there in '80? A Yes, and stayed
 until '78.

Q You were eight years old then when you left there? A In the
 neighborhood of that.
 Q You had seen Becky Webber frequently before you left there, and
 you remember her now? A Distinctly; I remember her distinctly,
 and all the rest of them.

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Q Ever seen her since then? A Yes, I have.
 Q Where was she in '66? A She was in Fort Scott.
 Q You remember that do you? A I am pretty certain she was.
 Q Do you remember she was in Fort Scott in '66? A If she came with the rest she was there, and she certainly came with the rest.
 Q Do you remember her being in Fort Scott in '66? A Yes sir.
 Q You swear she was there? A Of course I do.
 Q You were five years old at that time? A Yes sir.
 Q And you saw her? A Yes sir, if I could remember her at two years I could remember her at five.
 Q Do you remember it at two? A Yes, I do; and there's lots of people in this house know I do.
 Q How old a woman was Becky Webber in '66? A Well from the first time I saw her I judge her to be about 40 or 50 years old. She was an old woman then.
 Q You left Fort Scott in '69 and came back in '72? A Yes sir.
 Q Becky Webber was living in Fort Scott all the time you were there? A Yes sir.
 Q You remember that distinctly? A Yes sir.
 Q When were you first asked about this? A Last fall I think it was.
 Q Last fall was the first time you had your attention called to this matter? A Yes sir.
 Q You remember it then forty years back, seeing Becky Webber in Fort Scott, when you were five years old? A Yes sir, I remember it.

Richard Drake, being first duly sworn and being examined testified as follows:

By Mr. Hastings:

Q What is your name? A Richard Drake.
 Q What is your age? A About 50.
 Q What is your postoffice? A Fort Scott.
 Q How long has that been your postoffice? A Since '70.
 Q Did you ever know a colored woman up there by the name of Becky Webber, Fort Scott, Kansas? A Yes sir, I know her.
 Q When did you learn to know her? A About the time I lived in Fort Scott, soon after.
 Q Did this Becky Webber you remember that you knew have any family of children? A I think she had two sons and two daughters, I think.
 Q What are the names of her sons? A I think one of them was named Ellis Webber.
 Q What was the other one's name? A Lewis, I think.
 Q What was her daughter's name if you remember? A I think the oldest daughter was named Lucinda.
 Q You recollect the other one? A The other one I just can't call the other one just now.
 Q How long did you continue to know Becky Webber there in Fort Scott after you came there, learned to know her in '70? A Until along about, I guess it was about '92 or '93, the last I saw of her.
 Q Did you know her continuously from that time up until '92 or '93? A Yes.
 Q Keep house there? A Well I think in '92 or '93 she went out in Colorado and came back there.
 Q I mean from '70 up until '92 or '93? A Oh yes, they had a house there.
 Q Ellis lived there all that time? A No.
 Q How long did you know Becky Webber after you were there from '70? A Well best of my knowledge she lived there about '74.
 Q How about the rest of her children? A Well I think the oldest daughter left there about the time Ellis did, or possibly before.
 Q Ellis living there until she died when you first knew that? A Yes sir.
 Q And for about four years afterwards? A Yes sir.

Q Do you remember how long this woman was gone away from there in '92?

A No, I don't know exactly the time.

Q How long how long she was gone, I say? A No, I say I don't know exactly the time.

Q Does she live up there now? A Not that I know of.

By Mr. Mallette:

Q Where was Backy Webber the applicant, in '66? A I don't know.

Q When did you see Beoky Webber last? A Well the last, it was along about '92 or '93.

Q Do you know whether she is the Becky Webber that is applying here for citizenship or not? A Do I know whether it is? Well if I could see her I could tell you.

Q Well I know, but you don't see her? A No.

Q You don't know whether the Becky Webber you are talking about is the Becky Webber that has applied here for enrollment do you?

A That is my judgment, it is.

Q You don't know anything about it do you? A Well I understand from what the examining is it is her.

Q Yes, but you don't know anything of your own knowledge? A Well if she was before me I could state it was her.

Q Yes, but she is not before you, are you going to swear that the Becky Webber you are talking about is the Becky Webber that has applied for enrollment? A I don't know no other one.

Q Is the Becky Webber that you are talking about the Becky Webber that has applied for enrollment here? A Well in my judgment it is.

Q What makes you judge it? A Because I don't know any other.

Q Do you know all the Becky Webbers in this country? A No sir.

Q It might be an entirely different Becky Webber? A If it was her sons wouldn't be, they would have different names.

Q Are you arguing this case or testifying? you just answer plain out that you don't know whether the applicant is the one you knew up there in Kansas or not, do you? A Well, I do.

Q Do you? A I think she is the same woman.

Q Why? A Why.

Q Yes; have you ever seen the applicant, the woman that applies here as a Cherokee citizen? A I have not seen her lately.

Q You don't know that she is the one you saw in Fort Scott do you?

A Not unless I see her. Of course I couldn't see her.

Q That you are not going to swear that she is the same one are you?

A Yes sir.

Q How do you happen to swear that? A Because, her name is here in the list.

Q Maybe it is some other Becky Webber? A I don't think it is.

Q Why don't you think it is? A You aint asked me about any other.

Q Not talking about that; do you know the Becky Webber that has applied for enrollment is the one you knew in Fort Scott? A Yes sir.

Q Were you here when Becky Webber made her application? A No sir.

Q Did you ever see the woman before the Dawes Commission? A No sir.

Q How could you swear that she is the one you knew? A How could I know the boy.

Q Then you swear that she is the one you knew in Fort Scott, do you swear it? A Yes.

Q Why do you swear it? A Because she is the one they are asking me about.

Q Not talking anything about your asking you anything; I am talking about your, what you know as to whether she is the one you knew in Fort Scott; go ahead and explain yourself? A I think I have explained it.

Q You swear that is the woman you - the one that applied for citizenship is the one you knew in Fort Scott, and you have never seen the woman that applied here have you? A I saw her in '92.

Q Have you ever seen her since she applied or at the time she applied? A No, not since I haven't.

Q Then you swear positively that she is the same one you knew up there in Kansas do you; yes or no? A Yes.

- Q Yes, she is the one, you say; you want it to stand that way?
 A Yes sir.
 Q Where is she now? A I don't know.
 Q Where does she live? A I don't know that.
 Q When did you last see her, the woman you are talking about?
 A I think it was about in '92.
 Q Never heard of her since that time? A I never heard of her until to-day.
 Q Where did she go from Fort Scott, she left you said didn't you?
 A I said she went to Colorado.
 Q The woman you are talking about went to Colorado? A Yes, but she come back.
 Q How do you know? A Because I saw her.
 Q Where did she go the second time? A I don't know.
 Q You don't know where the woman went, north, south, east or west, from Fort Scott do you? A No, not the last time I saw her I don't.
 Q You know whether she is in the Indian Territory or not? A No I don't.
 Q Then how do you swear she is the one that has applied here? A How do I?
 Q Yes. A (No response)
 By Mr. Mallett: I will withdraw that question.
 Q Now where was Becky in '76? A I don't know.
 Q You didn't see her in '76 did you? A Not, to my knowledge I didn't.
 Q She might have been down in the Territory in '76? A She might have and I wouldn't have known it.
 Q You don't pretend to have kept track of her all the time? A No sir.
 By Mr. Hastings:
 Q The Becky Webber you knew had a son named Ellis? A Yes sir.
 Q And a son named Lewis? A Yes sir.
 Q And she had two daughters that you have mentioned? A Yes sir.
 Q Is that the way you identify this woman and her family? A Yes sir, that's exactly it.
 Q Did you miss this woman from '70 to '92? A O yes sir, in between that time she left there; the Pacific road was built along by there where she had a little piece of property, and that is the way I first the thing, and I think during the time the Pacific Road bought that property.
 Q And then she left there? A Yes sir.
 Q About what time was the Pacific road built? A Well I think it began along about '81 or '82, somewhere along there.
 By Mr. Mallett:
 Q Where was Lucia Webber in '76? A I don't know.
 Q How? A I don't know.

Elizabeth Davis, being first duly sworn and being examined testified as follows:

By Mr. Hastings:

- Q What is your name? A Elizabeth Davis.
 Q What is your age, Mrs. Davis? A 57.
 Q I believe you have testified that Fort Scott has been your postoffice since '82? A '82.
 Q You live there now? A Yes sir.
 Q Do you know a colored woman up there by the name of Becky Webber?
 A Yes sir.
 Q Did you know any of the members of her family? A I was not personally acquainted with the members of her family, but she has a boy named Ellis and I know a daughter Lucinda and Lydia; that is all I knew of the children; all I ever saw of them.
 Q Where did this woman live? A She lived over on, they called it Todd lobe; the Pacific Road built right through her place and part of her lot.

Q When did you first learn to know her and her family? A Well knew her in '64 and '61.

Q How long did you continue to know her? A Oh, I knew them until up in the year 1880.

Q Ever do any work for you? A No, no, no, she never did any work for me.

Q She own property up there? A Yes sir. She worked at the Wilder House, a hotel.

Q You know when Ellis left there? A No I couldn't say, left there quite a while after the railroad went through there.

Q This woman had a son named Lewis, did she? A I don't know, I know Ellis, that's all I know.

By Mr. Mellette:

Q Where was Becky Webber in '68, Mrs. Davis? A I don't know, but I think she was in Fort Scott, she had a home there then.

Q You don't remember back how seeing her in any particular year can you? A No, I remember seeing her though every year and often, she visited a colored lady that lived close to me often there.

Q You didn't keep close watch on her did you? A No, I had no occasion to keep close watch on her.

Q You just paid such attention to her as you would ordinarily pay to a colored family in the neighborhood? A Yes, she was a nice, good woman, and a woman that everyone liked.

Q When were you first talked to about this matter? A I have never been talked to about it yet.

Q Nobody ever mentioned it to you until you come on the stand here? A I think some one did say something to me to-day.

Q You didn't know when you came down here that you were going to be asked about Becky Webber? A No.

Q And you never thought anything about Becky Webber particularly? A No.

Q As a matter of fact they told you to-day about Becky Webber and you remembered back 22 years? A It has not been 22 years since I saw her, I remember her very well, and very distinctly.

Q You know whether she came to the Cherokee Nation, the Indian Territory during the time you knew her, in Fort Scott? A I don't know, I know she went to Colorado once for her health.

Q She went to Colorado, but you don't know whether she went to the Territory or not? A No sir, I do not.

Minerva Runyon, being first duly sworn and being examined testified as follows:
By Mr. Hastings:

Q What is your name? A Minerva Runyon.

Q What is your age? A 40, I am in my 48th year.

Q Postoffice Fort Scott? A Fort Scott.

Q How long has Fort Scott been your postoffice? A Since '62.

Q Did you know a colored woman named Becky Webber? A Well, I, just slightly, yes.

Q Did you know her family? A Well some of the children I know.

Q You remember any of their names? A There was Linda and Ellis, I believe that's all the names I can spell, they never lived in our neighborhood, although I know where she did live.

Q Where did she live? A She lived in a little, well they call it Road-logs.

Q How long did she continue to reside there? A It was sometime in the '70's, I couldn't say just what time.

Q Number of years after the war? A Oh yes.

Q Did you see her frequently? A Oh I would see her frequently on the street.

Q You never missed her there for several years after the war? A No sir, I never missed her for several years after the war.

Q She had a son named Ellis? A Yes sir.

Q And a daughter named Lucinda? A Yes sir.

Q You remember Lewis? A Well I couldn't say that I do remember Lewis now.

BY Mr. Mellette:

Q You say you last saw Becky Webber sometime in the '70s?

A Yes sir.

Q You mean by that she left there sometime in '70?

A No, I don't say she did leave there, I couldn't say that.

Q You do 't know whether she did or not? A No I didn't see her enough to know.

Q Where was she in '66? A I couldn't tell you.

Q Is it a fact that she lived there up until '68? A I couldn't tell you that.

Q If she did you don't know anything about it? A I don't know anything about it.

Q Have you lived there up to this time? A I have lived there up to this time.

Q You haven't seen Becky Webber living there then since sometime in the '70s? A Sometime in the '70s.

By Commission: This testimony will be filed and made a part of the record in the following Cherokee Freedmen cases: D-854, and D-435, D-554, and the case at bar.

I, M.D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.
(signed) M.D. Green.

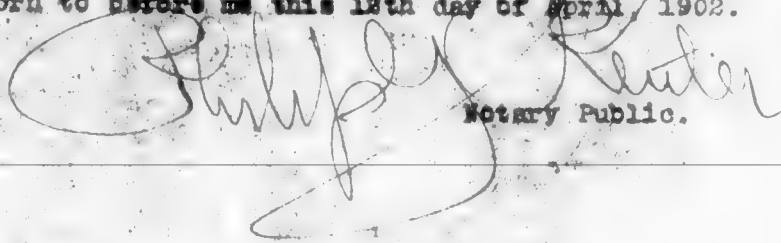
I, A. R. Cheever, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing copy and that the same is a true and complete copy of the original manuscript.

A. R. Cheever.

I, the undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes that I made the foregoing copy and that the same is a true and complete copy of the copy made from the original manuscript.



Subscribed and sworn to before me this 12th day of April, 1902.



Notary Public.

Supl. - C.F.D. #85.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 4, 1902.

SUPPLEMENTAL IN THE matter of the enrollment of **WAKE SUSAN BROWN** as a Cherokee freedman:

Appearances:

E. T. Brown, Vinita, I. T., Agent for applicant;
L. B. Bell, Cherokee Representative.

Commission: It is directed that copies of the testimony had this day to-wit: the 4th day of March, 1902, of Elizabeth Davis and Minerva Ruhyan in the case of Russell Henderson, D.#929, be filed with and made a part of the record in the case of Martha Gales, D.#92, and Susan Brown, D.#93.

Mr. Brown: for the purpose of contradicting the former testimony of Elizabeth Davis.

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I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony or proceedings had on this the above date, and that the foregoing is a true and complete transcript of his stenographic notes thereof.


Stenographer.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. March 4th, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Russell Henderson as a Cherokee freedman, introduced on part of the Cherokee Nation:

Appearances:

Mellette & Smith, Vinita, I. T. Attys. for applicant.

W. W. Hastings, Cherokee Representative.

ELIZABETH DAVIS, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. HASTINGS:

- Q What is your name? A Elizabeth Davis.
Q What is your age? A 57
Q What is your post office? A Fort Scott, Kansas.
Q How long has that been your post office? A Since '65.
Q Did you know a colored woman up there by the name of Rachel Webber?
A Yes sir.
Q When did you learn to know her? A I knew her in '60, about '68 along until seventies.
Q Did she ever marry? A She married a man by the name of Ed. Henderson.
Q How long did she live with him? A I dont know how she lived with him, she had two children.
Q You dont remember the names of those children? A No sir, I just know of them and that is all.
Q What did Ed Henderson do there? A He was a barber; he was a barber there when I first went there, the only barber there was in the town.
Q Did he move away from there? A No sir, he lived there until he was put in the penitentiary.
Q Is he in the penitentiary now? A Yes sir; he died in the penitentiary.
Q Did you see this Rachel Webber there like you did other people?
A Yes sir, I have seen her passing around.
Q You know of her marrying Ed. Henderson? A Yes sir, Having those babies, two of them, and know of them separating, but I dont know the dates; I never paid enough attention to it to know about that.
Q That was after the war? A That was in the seventies.
Q When they separated? A Yes sir.
MR. MELLETTE:
Q What year did you last see Rachel Webber? A I dont know what year I saw her last, but it was in the seventies.
Q How what time in the seventies, you know the seventies extend over a period of ten years? A It was in 71.
Q Do you swear it was in '71? A (no response)
Q Are you positive about that? A I am positive it was in '69 or '70
Q Where were you first spoken to and asked what you knew about this witness Webber? A I was first spoken to about it yesterday.
Q Yesterday, now then it has been 30 years since you first saw her has'nt it? A No sir, it has'nt been 30 years, I dont think.
Q How long has it been since you saw her? A I saw her in '75 or '6, somewhere along there.

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- Q Now which was it '75 or '76? A Well it was either one or the other.
- Q Now you dont know which one, do you? A No sir.
- Q That has been 25 years ago; is there any particular reason you had to know this woman? A No sir, only I read in the papers of the separation.
- Q She was a colored woman? A Yes sir.
- Q You didn't pretend to keep track of where, her whereabouts all the time did you? A No sir.
- Q Where was she in the year '67? A I dont know.
- Q Do you remember of seeing her in that year? A No
- Q Where was she in the year '65? A I dont know where she was, she was there though
- Q As a matter of fact it is impossible for you to remember back 30 years and know a particular year when you did or did not see this woman? A I know that they were there; and that they lived there in the sixties and seventies.
- Q Well now the sixties and seventies extend over a period of 20 years; you mean a portion of that time they were there? A Yes, sir I mean that they were there and lived there and had their residence there.
- Q You dont pretend to say that this woman did not come down to the Cherokee Nation during that time, do you? A No sir.
- Q You dont know what she did do; you said a while ago you saw her passing and repassing? A Yes sir; and I say I know of her marrying Ed. Henderson.
- Q Well, did you have a personal intimate acquaintance?
- A No sir, I dont know as I ever spoke to this woman.
- Q You dont know that you ever spoke to this woman; 30 years now you go back and say -? A Yes sir, I know of this woman and know of her marrying Ed. Henderson and separating and having two babies; you know these things was in the papers.
- Q Do you know Ed Henderson was her husband? A Yes sir.
- Q I will ask you if Rus Henderson was not her husband?
- A No, he was not.
- Q You are certain of that? A Yes, I am certain of that.
- Q What makes you remember that; you had never spoken to this particular woman? A I had never heard tell of Rus Henderson.
- Q Now, do you say that this woman Rachel Webber is that one you have been talking about? A Yes sir.
- Q Do you swear that she married Ed Henderson? A I swear that she pretended that she was; what they said, that she married him.
- Q When did you hear that? A I heard it in I suppose in about '69.
- Q Well do you remember that it was in '69? A I cant keep the dates
- Q Did you know Ed Henderson? A Yes sir, I knew of him, I seen him in his barber shop every day.
- Q Were you acquainted with him? A No sir. Only that he was Ed Henderson and kept a barber shop there.
- Q Why should you remember that it was in 1869 that they married?
- A I dont know why I should remember, I do though?
- Q You swear they married in '69? A It was somewhere in '68, '69 or '70.
- Q Then you allow yourself a considerable wide range? A Yes sir.
- Q This is the third case you have testified in since yesterday, isn't it; identifying freedmen as living in Fort Scott, Kansas?
- A Yes sir, and they lived there too.
- Q And you are trying to identify a woman here with this woman you never saw there?
- Mr. Hastings: You have got the right to cross-examine the witness; you have got no right to argue the case with her.
- Q Did you know anything about Martha Gales, a colored woman, that lived up there? A Yes sir.
- Q I will ask you if Martha Gales didn't marry Ed. Henderson?

A Yes sir, he lived with Martha Gales quite a while.

Q When? A He lived with Martha Gales in the sixties, from '65 I guess until '68 or '9.

Q I will ask you if he was not married to her when he was sent to the penitentiary? A No he was not.

MR. HASTINGS:

Q You remember knowing this man when he lived with Martha Gales?

A Yes sir.

Q And after their separation he lived with this woman?

A I knew him, very well acquainted with him, when he lived with Martha Gales, she was a hair dresser.

Q And then after the separation he lived with this woman?

A Yes sir he married Rachel Webber?

Q Did you ever miss Mrs. Rachel Webber from there until 1869 or '70? A No sir, I never knew of her coming away after the separation.

MR. MCELLETTE:

Q You dont know whether she came away or not do you?

A No sir, I dont know when she came away; I know they separated. I read that in the papers.

Q Where is Henderson? A He is dead, I heard the other day.

Q When did you hear that? A The other day.

Q How long ago? A Week or two ago.

Q You swore when you were here before he was living? A No I swore he was at Fort Scott; I didn't know then he was in the penitentiary.

Q Didn't you swear on the 17th day of February, in the case of Martha Gales, that this man Henderson was living at that time?

A No, I didn't swear he was living, because I didn't know; they asked me where he was and I said in Fort Scott the last I knew of him; since I went there I heard he died in the penitentiary.

Q Now, say if you give this testimony in the case of Martha Gales what became of Henderson? A- He is there yet? Did you swear that in the Martha Gales case? A I guess I did; because I thought he was there.

Q Are you swearing what you know or what you think? A How do you know it unless you think.

Q What made you swear he was there if he was not there? A Because I supposed he was there.

Q Are you swearing by what you know or by what you suppose? A He was there the last of what I know.

Q You said he died in the penitentiary? A Yes.

Q You didn't know when you swore that Ed Henderson was up there whether he was or not? A No, I could not swear that my boy was up there.

Q You had'nt seen Ed. Henderson there had you? A Yes, I seen him not over three months ago.

Q Did'nt you swear just now in this case that he died in the penitentiary? A Yes sir, he was sent up there last fall and I heard since I was here before that he was dead, and I read that in the paper, that is the only thing I know about it.

Q You say Henderson is living up there yet? A Yes sir.

A Yes, what I supposed too.

Q I will ask you if a matter of fact he has not been dead three years? A I dont know.

Q You know Mrs. Davis, whether he has or not; if you seen Ed. Henderson in the past three years? A ~~Ed Henderson~~. Just let me think whether I have or not; I dont know. Ed Henderson was there on the corner, I never knowed anything about his going away.

Q Just answer my question, have you seen Ed. Henderson within the past three years?

A I cant say I dont know.

Q Did you say you saw him about three months ago? A I know he aint been dead three years.

Q Did not you swear a while ago that you saw him just before you came down here on the other case? A No sir, I did'nt.

Q And did'nt you swear in that Martha Gales case that Ed Henderson was living up the re yet? A Yes sir, because I supposed he was living there yet.

Q You are swearing by what you suppose? A That is the way everybody swears, of course.

Q How many cases have you been a witness in down here? A I guess three or four.

Q How many did you witness in when you came here the first time, 17th of February? A Two I guess.

Q Then you have been a witness in three this time, have'nt you? A Yes.

MR. HASTINGS:

Q Mrs. Davis, you knew Ed. Henderson? A Yes sir.

Q And when you were down here before you had'nt missed him?

A No sir, I did'nt know he was gone.

Q Your attention was not especially directed to the last two or three years? A No sir.

Q When you went back you made inquiries and found he went to the penitentiary? A Yes sir.

MR. MELLETT:

Q You had'nt missed him? A No sir.

Q If he has been dead three years you dont know? A No sir.

MINERVA RUNYAN, being duly sworn, testified as follows on part of the Cherokee Nation.

MR. HASTINGS:

Q What is your name? A Minerva Runyan.

Q What is your post office? A Fort Scott, Kansas.

Q What is your age? A 48

Q Did you know a colored woman by the name of Rachel Webber who married Ed Henderson? A Yes sir.

Q Did you know Ed Henderson? A I did.

Q About when did you learn to know Rachel Webber? A Well it has been about seventy something or another, I just could not say.

Q After the war? A Yes sir, it was after the war?

Q Where did you know her? A In Fort Scott.

Q When did you know Ed Henderson? A Well I knew him, it must have been in the '60s. I knew him before I knew her.

Q Did they live together as husband and wife? A Yes sir.

Q You remember about how long they lived together up there as husband and wife? A No, sir I could not say.

Q Do you know whether they had any children or not? A I know they had one.

Q Do you know the name? A No sir.

Q Born up there? A Yes sir.

Q Do you know whether they continued to live together or whether they separated? A Well at the best of my knowledge they separated.

Q What did Ed Henderson do up there? A He was a barber.

Q Now, how long did you continue to know Ed around there?

A Well I could not say just when in the sixties.

Q You mean further on up the other way? A Well until his death.

Q You understood he died? A Yes sir, I understood he died; I could not say positive for that; it was just through the paper I could not swear to that for I did'nt see it.

MR. MELLETT:

Q When did he die, Ed Henderson? A Well, now I could not just tell that.

Q Well, how long ago, Mrs. Runyan? A If I remember rightly it was in the fall; in the fall or latter part of the summer.

Q What year? A 1901 I think.

Q Do you swear to that positively? A No, I dont swear to that positively.

Q You saw it in the paper? A Yes sir.

Q Well now, Mrs. Runyan, if you cant fix the time when Ed Hender-

son died, how can you go back thirty years and locate a colored woman with whom you were'nt well acquainted? A Because they lived right there in the town where we did.

Q I know, if you cant tell within a year when Ed Henderson died, how can you remember the time away back yonder in the sixties?

A I dont believe he married in the 60's.

Q When did you first see Rachel Webber? A When I first saw Rachel Webber it was in the seventies.

Q What year? A I cant tell the year; best of my recollection it must have been '73, I know it was a few years before I was married, and we was crossing a little stream, crossing the stream the plank broke and I went in her house and wrung the water from my clothes, and there was one child there at that time; there is where I got the one child from.

Q Well now there is three years before you were married you went passing Rachel Webber's house and fell in the water? A Yes sir.

Q And that was about three years before you were married? A Yes sir.

Q And how long ago have you been married? A 26 years.

Q And that was about 29 years ago? A Yes sir.

Q Is that the Rachel Webber that is concerned in this case?

A Well, that is a Rachel Webber.

Q I ask you the question? A Yes.

Q Answer it; I asked you if that was the Rachel Webber that is concerned in this case? A Well I dont know.

Q How many cases have you been to witness here yesterday and today?

A Three.

Q You have identified certain freedmen that were living in the town of Fort Scott thirty years ago? A Yes sir.

Q How old were you in 1870? A 1870?

Q Yes? A I was about eighteen I guess.

Q Were you acquainted with Rachel Webber? A Well, not personally acquainted with her, no.

Q Ever speak to her? A Yes sir.

Q Well now when did you first see her, when did you first remember seeing her, what year? A I dont know.

Q Where was she in 1866? A I dont know.

Q Where was she in 1867? A I dont know.

Q Where was she in 1868? A I dont know.

Mr. Hastings:

Q You know that about three years before you were married you stopped in there and she had one child? A Yes sir.

Q That is the same Rachel Webber that had Ed Henderson for a husband? A Yes sir.

I, J. O. Hesson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes, that I correctly recorded the testimony and proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

Signed J. O. Hesson.

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, do certify that the above and foregoing is a true and correct copy of the original transcript.

Ella M. Henson

Sworn to and subscribed before me this 8th day of August, 1908.

As a true copy from the original.
Being testimony and proceedings in the above stated case, and the same
to the Commission for the Five Civilized Tribes. I copied the foregoing
to the Honorable E. Dewart, being duly sworn before me as aforesaid.

Notary Public.

(Signed) J. G. Genter,
Notary Public.
(Signed) E. D. G. Gopherberger.

The said and correct transcript of his aforesaid notes thereon,
the testimony and proceedings in the case, and that the foregoing is
the Commission for the Five Civilized Tribes be correctly recorded
the undersigned, being duly sworn, attest that as aforesaid.

Also to be filed in D-33 and D-82.
COMMISSION: To be filed in case of Hilda Hill D-82, and the case of

enacted, which is a matter of record in the case of Hilda Hill D-82, and the case of
would have been passed upon by the Commission in that case. I know it
checked the Cherokee Court in the case of Hilda Hill D-82, and I believe
correctly.

and the direction of the jurisdiction of the parties and not of the
direction of the court. The direction is in this case,
and be recorded in order for the court to direct as to the jurisdiction
either by the trial or by the court, and the introduction of evidence
of the court it will be retained as a matter of fact in the trial
complaint that the party does not require within the jurisdiction
person is raised, and in any way whatever, unless it appears in the
it and court in the world, the creation of the jurisdiction of the
A. Lee Hill, it went to trial by jury, and it was ever discussed law
by jury.

It is not a fact that the case went to trial and went to trial
by answer and by introduction of proof.
direction showed the parties to be citizens, but if that be raised
not a direction that could be raised upon preliminary motion when the
was overruled on the ground which I have just stated; that it was
judge and overruled the motion, and the objection was, upon that it
be directed to the court, which was attempted I am, the proceeding
let the case go to trial. A. I do correct in such a motion
then judge of that court, giving over to the motion to determine and
I will say that it is fact that I, N. Brantington, who was
showed that we was entitled to the and was in the court.

introduction of proof, and not by pleading, when the pleading
I took the position that could only be raised by answer and by
be did, and my recollection is an attorney and not first the law was
the District, who is the defendant in this case, was not a recog-
before going into court as witnesses and was, for the reason that

File with F. D. 93, Susan Brown.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T. MAY 31st, 1902.

In the matter of the application of Lewis T. Brown for the enrollment of himself as a Cherokee Freedman,

Applicant appears in his own behalf; Cherokee Nation by
W. W. Hastings and J. S. Davenport.

W. W. HASTINGS, being sworn and examined, testified as follows:

BY LEWIS T. BROWN:

Q State your name? A W. W. Hastings.

Q What is your age? A 35.

Q What is your post-office address? A Tahlequah, I. T.

Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.

Q Mr. Hastings, what official positions, if any, have you held in the Cherokee Nation and under the laws of the Cherokee Nation?

A I don't believe I could remember them all; I have been on the Board of Education, Attorney General for the Cherokee Nation, and I represented it several times at Washington and before these Commissions. Those are some of them.

Q Where were you born? A I was born in Arkansas.

Q State of Arkansas? A Yes sir.

Q Do you know the applicant in this case?

A Yes sir.

Q State whether or not you ever represented the applicant in this case in a civil suit in the Cherokee Court?

J. S. DAVENPORT: I object to that for the records will show it.

COMMISSIONER: Objection will be noted.

Answer the question.

A I believe I did, although it never came to trial, if that is my recollection of it.

Q Do you know why it didn't come to trial?

A I am not really positive; my impression is it was pending there when the Curtis Bill was passed, in the Delaware District Court; I am not certain however.

Q Wasn't it in the Supreme Court of the Cherokee Nation at Tahlequah?

A It might have been.

J. S. DAVENPORT:

Q Do you remember any of the questions raised by the defendant in that case as a defense to the right of the plaintiff, one of whom was the applicant, Lewis T. Brown, to obtain his action of that court?
A I don't want to do the applicant any injustice. My recollection is very meagre about that case. I know there was a case pending over there and I don't remember the date of it or the disposition of it, whether it was pending there or before the Supreme Court when the Curtis Bill passed. I don't believe I represented him when it came up for trial. My recollection is it went off on some ground but I don't know what it was. I do not think I tried this case or was present when it was tried in the Circuit Court of Delaware District.

BY MR. BROWN:

Q I will ask you if you were'nt together with Mr. Thompson, attorney for the applicant before the Supreme Court of the Cherokee Nation, together with Mr. James S. Davenport, when this case was pending there?
A I think well, I think I was.

JAMES M. KEYS, being sworn and examined, testified as follows:

BY LEWIS T. BROWN:

Q State your name? A James M. Keys.
Q What is your age? A 69 years.
Q What is your post-office address? A Chouteau.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Mr. Keys, when did you leave the Cherokee Nation for the first time? A During the war my first time.
Q When did you return? A In '65.
Q When did you next leave, going out to stay any length of time?
A I don't remember when I did leave, I went out of the country about '71, I think.
Q How long were you gone? A About four or five years.
Q Have you ever held any position by the Cherokee authorities?
A Yes sir.
Q When you returned were you re-admitted? A No sir.

J. S. DAVENPORT: I object to that as being immaterial.

L. B. BELL, being sworn and examined, testified as follows:

BY LEWIS T. BROWN:

Q State your name? A L. B. Bell; 64 years old; Vinita.
Q You are chief counsel for the Cherokee Nation in this matter?
A Yes sir.
Q Are you a recognized citizen of the Cherokee Nation? A Yes.
Q When did you leave the Cherokee Nation for the first time to go South? A Why I could'nt hardly tell you; I moved my family south in '61. I was up here in the Cherokee Nation most of the time until '65, when the federals kicked us out.
Q Did you know D. W. Bushyhead, who is dead?
A I did when he was alive.
Q Do you remember when he left the Cherokee Nation and went to California? A In about 1848.
Q Do you remember how long he was gone? A I think he came back in about '68.

J. S. DAVENPORT: I object to testimony taken in the action of Mr. Bushyhead, or any other Indian by blood, because the treaty relating to the rights of freedmen and the general law relating to Cherokees

are absolutely different, one was a condition precedent and one a condition subsequent.

LEWIS T. BROWN: The applicant calls the attention of the Commission to that portion of the treaty of 1866, which says: "That all former slaves of Cherokee citizens who were emancipated as such, and returned to the Cherokee Nation within six months after the 19th of July, 1866, should have all the rights of a full-blood Cherokee; and also invites the attention of the Commission to the decision of the United States Court of Claims on this matter in the case of Moses Whitmire, trustee, vs. Cherokee Nation of the United States.

Q After Mr. Bushyhead returned to the Cherokee Nation did he ever hold any position according to the laws of the Cherokee Nation?

A Yes, sir.

Q What positions, if any, did he hold? A He was treasurer about eight years and chief about the same length of time.

Q Was he ever re-admitted to citizenship after his return?

A I could not answer that, I guess the law book would show that, I have no recollection about that, whether he was or was not.

Q Isn't it a matter of history that he was not? A I could not say that it was a matter of history; I have heard it questioned.

Q Were not you questioned about that before the Kern-Clifton Court?

A I don't recollect, I have raised the issue myself in a matter of politics half a dozen times by saying he was not a citizen.

Q Did you raise the issue that he was never re-admitted?

A I suppose that is the ground.

JAMES S. DAVENPORT, being sworn and examined, testified as follows:

BY W. W. HASTINGS:

Q State your name? A James S. Davenport.

Q What is your age? A 37.

Q Your post-office is Vinita? A Yes sir.

Q Were you a practicing attorney before the Cherokee Court before the passage of the Curtis Bill? A Yes, from February '93 up until the passage of the Curtis Bill.

Q Were you one of the attorneys in this same suit that I was inquired of by the applicant in this case?

A Yes sir, I was one of them that brought the suit for himself and sister Ella.

Q Did you try the case? A I tried it in the Circuit Court for Delaware District.

Q Do you know whether the question of citizenship was raised in that court?

A Yes sir, I do, and that is the reason why I objected awhile ago to the introduction of oral testimony for the reason that the records would show the question that was raised in the case. There is no doubt but what the facts so far as the acquisition of the property were concerned showed the right of Lewis and his sister, Ella Hill, to recover, but Mr. Akin who represented Mr. LeFors, as his attorney raised the question by his answer that neither of the plaintiff's were recognized citizens of the Cherokee Nation, and were not entitled to participate in the division of lands and to hold improvements upon the public domain of the Cherokee Nation. The question of their citizenship was brought out all along the line, and before the jury in the evidence, and we lost the case in the lower court and my recollection is that it was pending on appeal to the Supreme Court of the Cherokee Nation at the time of the passage of the Curtis Bill.

LEWIS T. BROWN:

Q Is it a fact that Mr. Akin, who represented the defense in that case, contended that by reason of the fact that the applicants were

not upon the 1880 roll, was not entitled.

A No sir, the answer was that they were not citizens, not entitled. You better go and get that so as to save the trouble.

Q I will ask you if the defense in that case did not make a motion before going into trial to dismiss the suit, for the reason that the plaintiff, who is the applicant in this case, was not a recognized citizen of the Cherokee Nation? A My recollection is that he did, and my recollection is as attorney and not what the law was; I took the position that could only be raised by answer and by introduction of proof and not by pleadings, when the pleadings showed that he was entitled to sue and sue in the Court.

Q I will ask you if it isn't a fact that T. M. Buffington, who was then Judge of that court, did not overrule the motion to dismiss and let the case go to trial. A If I am correct in such a motion to dismiss being filed, which I am satisfied I am, the presiding Judge did overrule the motion, and his opinion will show that it was overruled on the ground which I have just stated; that it was not a question that could be raised upon preliminary motion when the citations showed the parties to be citizens, but it must be raised by answer and by introduction of proof.

Q Is it not a fact that the case went to trial and went to trial by jury?

A Yes sir, it went to trial by jury, and if you ever practiced law in any court in the world, the question of the jurisdiction of the person is raised, and in any way whatever, unless it showed in the complaint that the party does not reside within the jurisdiction of the court it will be raised by answer and go to the trial either by the jury or by the court, and the introduction of evidence will be required in order to settle the question as to the jurisdiction of the person, which was the question raised in this case, was the question of the jurisdiction of the person and not of the propriety.

Q Well the Cherokee Courts did try this case? A Yes sir, the Cherokee Court did try this case and not the Courts, and I presume would have been passed upon by the Supreme Court; in fact I know it would. I would suggest right here it would be better to get his answer, which is a matter of record showing exactly what he raised.

COMMISSION: To be filed in case of Ella Hill D- 266, and the case at bar: also to be filed in D-92 and D-95.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in the case, and that the foregoing is a true ~~copy~~ and correct transcript of his stenographic notes thereof.

(signed) E. G. Rothenberger.

Subscribed and sworn to before me this 19th day of June, 1902.

(SEAL)

(signed) P. G. Reuter,

Notary Public.

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I, Mattie E. DeWitt, being duly sworn state that as stenographer to the Commission to the Five Civilized Tribes, I copied the foregoing testimony and proceedings in the above stated case, and the same is a true copy from the original.

Mattie E. DeWitt

Sworn to and subscribed before me this 6th day of August, 1902.

Prince C. Jones
Notary Public.

(21st) ...

(21st) ...

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I.T., May 31, 1902.

In the matter of the application of Martha Gales for enrollment
as a Cherokee Freedman.

Applicant appears by Lewis T. Brown; Cherokee Nation by W. W.
Hastings and J. S. Davenport.

Charles Foreman, being sworn and examined, testified as follows:
By Lewis T. Brown: State your name? A Charles Foreman.

Q What is your age? A I don't know exactly, I am about fifty
years old.

Q What is your postoffice address? A Mufaula.

Q Are you a citizen of the Cherokee Nation? A Yes, sir.

Q Mr. Foreman, were you a slave in the Cherokee Nation at the
beginning of the war? A Yes, sir.

Q Did you go out of the Nation during the war? A Yes, sir.
I went with Mr. Ross to Philadelphia.

Q When did you return, in what year? A It was in '66.

Q Do you know Mr. F. H. Nash, who lived in Fort Gibson? A Yes sir.

Q Do you know Nip Blackstone and a man by the name of Smith who
used to live in the vicinity of Fort Gibson? A Yes, I knew them.

Q Are you the Charles Foreman referred to in their testimony in
this case as having run a barber shop in Fort Gibson in '66?
A Yes, sir.

Q Who else, if any one, run a shop at that time? A That was me
and Henry Scales and Pomp Brown's son.

Q Did you know Bill Brown during his lifetime? A Yes, sir.

Q Did he run a barber shop then during that year? A Yes, sir.

Q Did you see Pomp Brown there during that year? A Yes, sir.

J. S. Davenport: You went out of the Indian Territory with W.P. Ross
and Chief Ross? A Yes, with William Ross.

Q How you testified this morning in your case didn't you? A Yes,
sir.

Q When you said a while ago that you were a citizen of the Cherokee
Nation, you didn't mean it did you? A I belong to it.

Q You are a colored freedman, a claimant to citizenship? A Yes,
sir.

Q Now in your own case this morning in giving you testimony, I will
ask you if you didn't testify that you returned to the Cherokee
Nation about a month after the remains of Chief John Ross was
brought back to the Cherokee Nation, did you or did you not
testify that? A It has been so long.

Q It has been four hours since you testified? A I am short minded.

Q Do you remember whether you testified that this morning or not,
don't you know? A Yes, sir.

Q Did you or did you not testify this morning in your own behalf
that you returned to the Cherokee Nation within a month after Chief
John Ross' remains were returned to the Cherokee Nation? A I don't
know how long that was.

Q You testified that it was after his remains that you came back?
A Yes, sir, I testified I came back afterwards, as near as I can
recollect.

Lewis T. Brown: You are the same man that F. H. Nash and Mr.
Blackstone and Mr. Smith witnessed, introduced on the part of the
Cherokee Nation as having run a barber shop in the Cherokee Nation
in the year 1866? A Yes, sir.

J. S. Davenport: Did you hear them testify? A Yes, sir.

Q Where did they give it? A Over at Gibson.

Q Had you applied then? A Yes.

Q Did you call them as witnesses in your case? A I went to them.

Q Did you call them as witnesses in your case? A I called them
in to-----

Q You don't know? A (No response)

W. W. Hastings: The Cherokee Nation for the purpose of showing
the time of the return of this applicant himself and for the purpose

of contradicting his testimony and for the purpose of showing that he himself was not a resident of Fort Gibson in the year 1866 offers the following testimony of Will P. Ross, now deceased, taken in the case of Willis Martin vs Cherokee Nation and found in a book taken from the records of the Executive Department of the Cherokee Nation, entitled 'Register of Evidence from Court of Commission, Chambers' Court, Book "K", as follows: Page 288:

"Willis Martin vs Cherokee Nation.

Statement of William P. Ross who being ~~xxx~~ sworn says 'I was living in Fort Gibson in 1867. The cholera broke out here about from the 23rd to the 26th of June of that year. I brought the remains of John Ross, late chief, from Washington some time in May, of 1867 before the cholera broke out.' Will P. Ross.

April 24, 1879. Attest J. A. Soales, Clerk."

Lewis T. Brown: Applicant objects to the introduction of this testimony for the reason first; That it is not shown that this has ever been sworn to, nor is it shown that it is the original copy of what it purports to be and if it is offered in evidence for the purpose of showing that the witness Charley Foreman himself was not here, it is in contradiction to the facts already proven by the Cherokee Nation's own witnesses.

Commission: The above proceedings will be filed and made a part of the record in the following freedman cases:

Susan Brown, D-93; Lewis T. Brown, D-94.

Ella J. Hill et al, D-256, as well as in the case at bar, being that of Martha Gales, D-92. The applicants in the above named cases are represented by Lewis T. Brown.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberget.

Subscribed and sworn to before me this 19th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

) (SEAL)

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify on my official oath, that the foregoing is a true and correct copy of the testimony and proceedings in this case.

L. Maxwell

Subscribed and sworn to before me this 14th day of August, 1902.

Prince C. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

61

In the matter of the application of Martha Gales, et al. for enrollment as Cherokee Freedmen, consolidating the applications of

Martha Gales,.....	Cherokee Freedmen	D	92
Susan Brown,.....	"	"	D 93
Louis T. Brown,.....	"	"	D 94
Ella J. Hill,.....	"	"	D 256

D E C I S I O N .

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission: by Martha Gales, among others, for herself; the other parties to her application, being differently classified, are not embraced in this decision; by Susan Brown for herself; by Louis T. Brown for himself; by Ella J. Hill for herself and her two minor children, Bessie and Herbert L. Hill. Copies of the testimony taken at various times in the matter of the applications of Becky Webber and Russell Henderson for enrollment as Cherokee Freedmen, are made a part of the record herein.

The evidence shows that Martha Gales, Susan Brown and one, Pomp Brown, were the slaves of a Cherokee citizen at the commencement of the rebellion; that they were taken out of the Cherokee Nation during the rebellion and that none of them returned to and in good faith established his or her residence therein until after January 19, 1867. The said Louis T. Brown and Ella J. Hill are the descendants of said Pomp Brown, born since 1866, and have no rights as Cherokee Freedmen, except such as they may have acquired through him. Bessie and Herbert L. Hill are the minor children of the said Ella J. Hill, and have no rights as Cherokee Freedmen, except such as they may have acquired through her. None of the applicants herein are found on the 1860 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Martha Gales, Susan Brown, Louis T. Brown, Ella J. Hill, Bessie Hill and Herbert L. Hill as Cherokee Freedmen, should be denied under the provisions of Section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) James Bixby.
Acting Chairman.

(SIGNED) T. B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

Dated at Muskogee, Indian Territory,
this APR 22 1903

(SIGNED) W. E. Stanley.
COMMISSIONER.

Refer in reply to the following:

10044/1903.
27288/1903.
29684/1903.
72269/1903.

Department of the Interior,
Office of Indian Affairs,
Washington, March 2, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith for the consideration of the Department, the record of the proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of Martha Gales for the enrollment of herself, which application includes other parties, but who are differently classified and whose cases are not now under consideration; of Susan Brown for the enrollment of herself; of Louis T. Brown for the enrollment of himself; and of Ella J. Hill for the enrollment of herself and her two minor children, Bessie and Herbert L. Hill; all as Cherokee freedmen.

On April 22, 1903, the Commission rendered a decision in this case, finding from the evidence that Martha Gales, Susan Brown and one Pomp Brown were the slaves of a Cherokee citizen at the commencement of the rebellion; that they were taken out of the Cherokee Nation during the rebellion and that none of them returned to and in good faith established his or her residence therein until after January 19, 1867; that the said Louis T. Brown and Ella J. Hill are descendants of said Pomp Brown, born since 1866 and have

no rights as Cherokee freedmen except such as they may have acquired through him; that the said Bessie and Herbert L. Hill are the minor children of the said Ella J. Hill, and have no rights as Cherokee freedmen except such as they may have acquired through her and that none of the applicants herein are found on the 1880 authenticated Cherokee roll.

By reason of these findings and facts, the Commission is of the opinion that these parties are not entitled to enrollment as Cherokee freedmen citizens of the Cherokee Nation and that their applications therefore should be denied under the provisions of Sec. 21 of the Act of Congress approved June 20, 1896 (30 Stats., 495.)

On May 8, 1908, the Department forwarded what is termed an appeal from the decision of the Dawes Commission in the matter of the application of Louis T. Brown for enrollment as a Cherokee freedman and on November 7, 1908, a brief in behalf of the nation in said case was transmitted by the Department, both of which are enclosed herewith.

It appears from the evidence set out in this case that the testimony taken in the matter of the application of Becky Webber and Russell Henderson for enrollment as Cherokee freedmen is made a part of the record in this case and constitutes a large part of the evidence submitted herein.

I do not approve of this practice of the Commission of making the evidence in one case a part of the evidence in another

case, or in other words of taking the entire testimony submitted in a certain case and incorporating it bodily as testimony in another case. Such practice would not be permitted in any court and it is entirely foreign to all the rules, of evidence, unless done by the consent of both parties. In these Cherokee freedmen cases it invariably brings before the office and the Department a large amount of testimony which is no way relevant to the subject under consideration and that part of the same which may be considered relevant is adduced under entirely different circumstances and relates to an entirely different individual from the one under consideration.

Both the applicant and the nation as a rule are represented by attorneys, especially where the matter is much litigated, and these attorneys have access to this testimony that has been introduced in other cases and can easily submit in a much shorter way the testimony which they think is germane to the matter being investigated. I do not consider that it is fair either to the applicant or the Nation to lug in a lot of testimony which is taken at some other time and place in some other case and perhaps under entirely different circumstances, to try and prove some fact that may be at issue in the case then being heard.

Both the applicants and the nation have a right to cross-examine the witnesses called to testify against them and this right is precluded when the testimony is made a part of the record as has been done in this case.

Passing from this matter to the question at issue, I have gone through this testimony and find it very difficult to determine just what the facts are in the case. The brief of the applicant, Louis T. Brown, filed herewith and the brief of the Cherokee Nation both make quite a full statement of their respective claims.

There is a great deal of uncertainty about many of the alleged facts in said briefs, but on the whole I think the Nation has perhaps made out the best case.

The applicant, Louis T. Brown, makes strong contention that his grandmother, the mother of Pomp Brown, a Rosa Melton, was enrolled on the 1860 roll, page 706, No. 651, Sequoyah District, and that her enrollment had been approved by the Department, and therefore that the said Pomp Brown, being a miner in 1866, is entitled to enrollment as a descendant of his said mother. The Nation in its brief does not contest the fact to any great extent that Rosa Melton was the mother of Pomp Brown. It does state that there is no testimony that Pomp Brown ever lived with Rosa Melton, or that he ever made her place his home and that there is no testimony that Rosa Melton was a slave of Jim Brown, or that Pomp Brown lived in the same family with Rosa Melton prior to the war.

The nation then passes that question and gets out that its contention is that under the 5th article of the treaty of 1866, it was incumbent and necessary for the said Pomp Brown to have returned, himself, within the time prescribed by the treaty in order that

citizenship might attach to him; that he had no rights of citizenship in the Cherokee Nation prior to the war; that he never acquired any except by complying with the provisions of the treaty of 1866 and that there are no exemptions whatever in behalf of minors.

The nation then cites the opinion of Assistant Attorney General Van Devanter given May 31, 1900, wherein it is stated that infancy is not exempt from the limitations upon the time in which applications for citizenship by persons not on a tribal roll were required to be made by the act of June 10, 1896, but I do not consider that this opinion necessarily applies to the provisions of said Sec. 9, of the treaty of 1866.

I have heretofore held that the word "descendants" as used in said Sec. 9 is applicable to minor children of such Cherokee freedmen as did comply with its provisions, and if as a matter of fact the said Louis T. Brown is a descendant of the said Rosa Melton, and if her name is on the 1860 roll, then this applicant is entitled to enrollment without regard to his father's status, for Louis T. Brown is clearly a descendant of the said Rosa Melton if he is her grandson and comes within the very class which the nation in its brief admits would be entitled to the benefits of the provisions of said Sec. 9.

The Commission in its decision, does not pass upon this phase of the question, and I presume did not consider it necessary for some reason, but as that reason is not given I deem it necessary under the evidence and circumstances and in accordance with the law,

is held that the said Louis F. Brown is entitled to be enrolled as a
Chartered Freeman citizen of the Borough of London, subject to the condition
and that the said Louis F. Brown was not the grandfather or great
grandfather of any person who was not a citizen of the said Borough of London.
It is the other condition of the said Act that the condition of the
condition that their application shall be granted.

Very respectfully,

[Faint signature and name]
Acting Solicitor

W.D.

COPY

Cherokee F.D.
92, 93, 94 & 206.

Muskogee, Indian Territory, April 24, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Martha Sales et al., together with a copy of the Commission's decision, dated April 22, 1903, rejecting the applications of Martha Sales, Susan Brown, Louis T. Brown, Ella J. Hill, Bessie Hill and Herbert L. Hill, as Cherokee Freedmen.

Respectfully,

Tams Dixie
Chairman.

Enc. M-2162

Through the
Commissioner of Indian Affairs.

cc

Cherokee F.D.
92, 93, 94 & 256.

Muskogee, Indian Territory, April 24, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 22, 1903, in the consolidated case of Martha Gales et al., rejecting the applications for the enrollment of Martha Gales, Susan Brown, Louis T. Brown, Ella J. Hill, Bessie Hill and Herbert L. Hill, as Cherokee Freedmen.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Farris Bixby.

Chairman.

Enc. M-152

COPY.

Cherokee F.D.
92,93,94 & 200.

Muskogee, Indian Territory, April 24, 1903.

Louis T. Brown,

Agent for Martha Gales et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of supplementary proceedings in the consolidated case of Martha Gales et al., together with a copy of the Commission's decision rejecting the applications for the enrollment of Martha Gales, Susan Brown, Ella J. Hill, Bessie Hill, Herbert L. Hill, and yourself, as Cherokee Freedmen. You have heretofore been furnished with a copy of the record of proceedings had in the original applications.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

James Bixby

Chairman.

Enc. M-121

Register.

COPY.

Cherokee F.D-93

Muskogee, Indian Territory, April 24, 1903.

Susan Brown,

Muskogee, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 22, 1903, rejecting, among others, your application for the enrollment of yourself as a Cherokee Freedman.

There has heretofore been furnished your agent, Louis T. Brown, Vinita, Indian Territory, a copy of the record of proceedings had in the original application, and there has this day been forwarded to him a copy of the record of supplementary proceedings, together with a copy of the Commission's decision.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Jams Bixby.
Chairman.

Enc. M-2150

Register.

(COPY)

W.C.P.

D.C. 18553.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

THE

I.T.D. 1850-1904.

April 19, 1904.

L R S

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

April 24, 1903, you transmitted the record in the consolidated Cherokee freedman case of Martha Gales, et al., (Cherokee F.D. 92, 93, 94 & 256), including your decision of April 23, 1903, rejecting the applications of Martha Gales, Susan Brown, Louis T. Brown, Ella J. Hill, Beattie Hill and Herbert L. Hill.

Reporting March 3, 1904, the Acting Commissioner of Indian Affairs states that under the evidence and in accordance with the law, the applicant Louis T. Brown is entitled to enrollment as a Cherokee freedman citizen of the Cherokee Nation, unless the Nation can show that Rosa Melton was not his grandmother, or that her name does not appear on the 1880 authenticated Cherokee roll. The Acting Commissioner concurs in your decision as to the other applicants herein.

The rights of the applicants will not be adjudicated at the present time. You are directed to notify the applicant, Louis T. Brown, and the attorney for the Cherokee Nation, of the recommendation of the Acting Commissioner, and to allow said attorney

thirty days in which to submit any additional arguments in my
desire, and the applicant has days in which to answer same.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos. Ryan

Acting Secretary.

2 inclosures.

SPECIAL

JYJr.

DEPARTMENT OF THE INTERIOR,
D.C. 13261-1906
WASHINGTON.

LRS

I.T.D.1850,2566-1904.

April 10, 1906.

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On April 24, 1903, the Commission to the Five Civilized Tribes transmitted the record, together with its decision, in the matter of the application for the enrollment of Martha Gales for herself; Susan Brown for herself; Louis T. Brown for himself, and of Ella J. Hill for herself and her five minor children, Bessie and Herbert L. Hill, all as Cherokee freedmen.

Reporting March 3, 1904, the Acting Commissioner of Indian Affairs stated that he believed the applicant Louis T. Brown was entitled to enrollment as a Cherokee freedman, unless the nation could show that Rosa Melton was not his grandmother, or that her name did not appear on the authenticated roll of 1830.

April 19, 1904, the Department informed the Commission that the attorneys for the Cherokee Nation would be given 30 days to submit additional argument and the applicants 10 days in which to answer the same.

June 24, 1904, the Commission forwarded the argument submitted by the attorneys for the Cherokee Nation, together with

a motion of the applicants, requesting the Department to refuse to consider the argument presented by the nation. This motion of the applicants was denied by the Department on November 26, 1904.

January 4, 1906, the applicants filed supplemental argument with the Department.

January 24, 1906, the Acting Commissioner of Indian Affairs transmitted the reply of the attorneys for the Cherokee Nation to the supplemental argument submitted by the applicants.

It appears from the record that on April 22, 1903, the Commission to the Five Civilized Tribes rendered a decision adverse to the applicants.

In view of the decision of the Assistant Attorney-General dated March 22, 1904, in the cases of Joseph Campbell and John Taylor, and of the decision dated December 14, 1904, in the matter of the Mary W. Greenleaf case, neither Louis T. Brown nor Ella J. Hill and her two children, Bessie and Herbert L. Hill, can claim any rights by reason of the fact that their grandmother's name appears on the authenticated roll of 1820.

The Department considers that the decision of the Commission to the Five Civilized Tribes dated April 22, 1903, denying the right of enrollment as Cherokee freedmen to Martha Galus, Susan Brown, Louis T. Brown, Ella J. Hill, Bessie Hill, and

+

Herbert K. Hill is correct, and said decision is hereby affirmed.

Respectfully,

H. A. Hitchcock,

Secretary.

REFER IN REPLY TO THE FOLLOWING

Cherokee F.D.93.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 19, 1906.

Susan Brown,
Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes rendered on April 22, 1903, denying among others, your application for enrollment as a Cherokee freedman, was on April 10, 1906, affirmed by the Department.

For your information there is enclosed you herewith a copy of Departmental decision referred to.

Respectfully,

W. O. Swanwick

Acting Commissioner.

Encl.
MWP-419.

Cherokee P.D. 92.

COPY.

Muskogee, Indian Territory, April 19, 1906.

Hell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, rendered on April 28, 1903, denying the applications for the enrollment of Martha Gales, Susan Brown, Louis T. Brown, Ella J. Hill, Bessie Hill and Herbert L. Hill, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 10, 1906.

For your information a copy of the Departmental decision referred to is herewith enclosed.

Very respectfully,

WHELER

Wm O B Seal
Acting Commissioner.

Encl.
MCP-619.

Cherokee F.D. 94.

COPY.

Muskogee, Indian Territory, April 19, 1906.

Louis T. Brown,

Attorney for Wartha Gales et al,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 21, 1903, rejecting the applications for the enrollment of yourself, Wartha Gales, Susan Brown, Ella J. Hill, Bessie Hill and Robert L. Hill, as Cherokee freedmen, was affirmed by the Secretary of the Interior April 10, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Very respectfully,

SIGNED.

Wm. T. Seale
Acting Commissioner.

Incl.
MCP-119.

10.

F. D. 93

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on Rusden

Brown

by delivering a true copy thereof on the 7 day of Sept, A.D. 1901.

Given under my hand this 7 day of Sept, A.D. 1901.

John Parks
Marshal for Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the _____ day of _____, 1901.

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a true copy of the within notice to _____

on the _____ day of _____ A.D. 1901

Subscribed and sworn to before me this _____ day of _____ A.D. 1901.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 10 1901

[Signature]
ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

Susanna Brown
SEP 10 1901
Sister of Protha
Gale
Mustocee

NOTICE!

IN THE MATTER OF The application of Susan Brown
for enrollment as a Cherokee Freedman:

Case No. F. D. 93

To Susan Brown mustogee

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson Indian Territory, on the following dates, to-wit: Sept 18 at 9am A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 18 day of Sept, 1901.

L. B. Bell

Attorneys for the Cherokee Nation.

~~Douglas~~

Sister B. Martha Gales

8.

71993

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 11 1901

 ACTING CHAIRMAN

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Filed June 13 8 11 1901

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Susan Brown for enrollment as
Freemen of the Cherokee Nation.

Louis T. Brown
Agent for applicant.

No. 7093

AFFIDAVIT

UNITED STATES OF AMERICA,

INDIAN TERRITORY,
NORTHERN DISTRICT

SS

In the matter of the application of *Susan*

Brown

for enrollment as a Cherokee Freedman.

No. F. D. ⁹³~~63~~

Henry Jack, of lawful age, being duly sworn on oath states that on the *21st* day of *September*, A. D., 1901, he registered to *Susan Brown* whose postoffice is *Muskogee*

Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at *Fort Gibson* Indian Territory; and that on the *30th* day of *September*, 1901, he received the return card which is hereto attached, signed by the said *Susan Brown*, showing that he had received said notice.

Subscribed and sworn to before me on the *30th* day of *Sept* A. D. 1901.

Henry Jack
J. O. Starr

Notary Public.

~~7803~~
F. D. 93

9

70 93

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
..... day of A. D. 190...

Given under my hand this.....
day of..... A. D. 190...

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
..... day of....., 190...

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to.....

on the day of A. D. 190...

Subscribed and sworn to before me
this.....

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 2 1901


ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Susan Brown
for enrollment as Cherokee Freedmen:
Case No. F. D. 93
To Susan Brown Muskogee I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 5th 1901 at 8 o'clock A. M. from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

L B Bell

W. W. Hastings

J. L. Davenport
Attorneys for the Cherokee Nation.

F. D. 93

g

J 93

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 190.....

Given under my hand this
day of A. D. 190.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
..... day of, 190.....

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 190.....

Subscribed and sworn to before me
this

Notary Public.

I, the undersigned agent for the
within named applicant, hereby accept
service of the within notice on this the
4th day of *July*, 190.....
Louis J. Brown
Agent for applicant.

FILED
FEB 6 1902

[Signature]
ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Susan Brown,
for enrollment as Cherokee Freedmen:
Case No. F. D. 93

To ~~Susan Brown or L. T. Brown her agent.~~

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on FEB 17 1902 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this FEB 4 1902

L B Bell

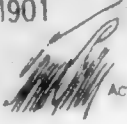
W. W. Hastings

Attorneys for the Cherokee Nation.

4-1993

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 17 1901



ACTING CHAIRMAN

Very respectfully,
[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

CHEROKEE FREEDMEN.

Date APR 17 1901

Post Office Muscogee

District Canadian

1. Name _____ Age _____

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____

Mother _____ Citizenship _____

(A) Name of wife Susan Brown Age 44

Owners name James Brown Citizenship Cherokee

Year K.C. Page 109 No. 2729 District Tahl

Parents:

Father _____ Citizenship _____

Mother _____ Citizenship _____

Names of Children:

No.	Year	Page	No.	Dist.
3.				
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Application made by no W Stenographer Rossom J

W & K C Roll on Susie Brown

Doubtful

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NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Susan Brown,

Muskogee, I.T.

Cherokee F-D-93

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Department of the Interior.

Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

REGISTERED
APR 17 1903
MUSKOGEE, IND. TER.

Susan Brown,

Muskogee, Indian Territory.



Department of the Interior.

Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

MUSKOGEE
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Susan Brown,

Muskogee, Indian Territory.

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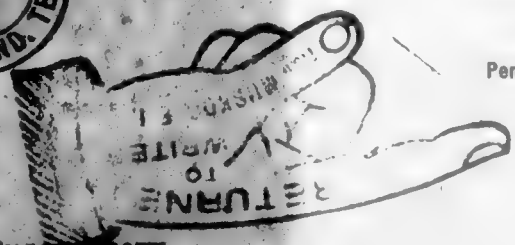
Department of the Interior.

Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

APR 18 1902
MUSKOGEE, IND. TER.



Mrs. Susan Brown,

Muskogee, Indian Territory.

4190

Cher. Fr. R. 764

Trans. from Fr. D. 256

Cher. Fr. R. 764

MARRIAGE LICENSE.

United States of America, |

Indian Territory, |

Northern District. |

ss

No 100

TO ANY PERSON AUTHORIZED BY LAW TO SOLEMNIZE MARRIAGE, GREETING:

You are hereby commanded to solemnize the rite and publish the banns of matrimony between Mr. Stephen L. Hill of Vinita, in the Indian Territory, aged 28 years, and Miss Ella J. Brown of Vinita, in the Indian Territory, aged 24 years, according to law, and do you officially sign and return this License to the parties therein named.

Witness my hand and official seal at Vinita, Indian Territory, this 27th day of February, A. D. 1896.

(SEAL)

Jas. A. Winston,
Clerk of U. S. Court.

By J. C. Anderson Deputy.

CERTIFICATE OF MARRIAGE.

United States of America, |

Indian Territory, |

Northern District. |

ss.

I, J. H. Hawkins, a Minister of the Gospel, do hereby certify, that on the 27th day of Febry. A. D. 1896, I did duly and according to law as commanded in the foregoing License, solemnize the rite and publish the banns of matrimony between the parties therein named.

Witness my hand this 27th day of Febry., A. D. 1896.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book-----, Page---

J. H. Hawkins,

A Minister of the Gospel.

NOTE:--This License and Certificate of Marriage must be returned to the Office of the Clerk of the United States Court in the Northern District, Indian Territory, from whence it was issued within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars (\$100.00).

CERTIFICATE OF RECORD.

United States of America,
Indian Territory,
Northern District.

ss.

I, Chas. A. Davidson, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed in my office the 10th day of March 1896, at ---M., and duly recorded in Book B., Marriage Record, Page 64.

Witness my hand and seal of said Court at Muskogee, in said Territory, this 21 day of April, A. D. 1901.

Chas. A. Davidson, Clerk.

By-----Deputy.

(SEAL)

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 5, 1903.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original on file with this Commission.

C. R. Buckinridge
Commissioner.

Letters of Administration

Cherokee Nation,
Delaware District.
Office of District Judge of Delaware District.

TO WHOM IT MAY CONCERN:

Know ye, that I, J. L. Ward, Judge of the District Court of the District and Nation aforesaid do, by virtue of authority in me vested by law, this day, make, constitute and appoint in the name and by authority of the Cherokee Nation William S. Madden Administrator of the estate of Samuel Brown deceased, late of Delaware District, Cherokee Nation, the said William S. Madden having complied with and performed all the duties required by the law of him, precedent to this appointment.

In testimony whereof, I hereunto set my hand on this the 16th day of April A. D., 1887.

J. L. Ward,
Judge District Court of-----
Delaware District ~~XXXXXXXX~~ C. N

(SEAL)

Attest:-----Clerk District aforesaid.

This certifies that the within appointed administrator was duly sworn (as directed by Law) to render a full and complete schedule of the property to come into his possession by virtue of these letters, and perform all other duties required by Law of administrators.
William S. Madden.

(SEAL)

Sworn to before me on this the 3rd day of May, 1889.

W. C. Chamberlin
Mayor of Town of Downingville.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 5, 1903.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original on file with this Commission.

C. R. Beckwith
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JUN 5 1901

2

Q That's the idea you want brought out? A Yes, Sir.
Q She lived at Wichita until 1882 or 1883 and then moved to
Wichita, and has been living there ever since.
Q Now your father and sister until 1882 or 1883; she then moved to
Wichita, and has been living there ever since; do you
mean Wichita? A No, Sir, Kansas, she went to Wichita soon after the
year 1882 to 1883 and has been living there ever since; do you

Q Now your father and sister until 1882 or 1883 and then moved to
Wichita, and has been living there ever since; do you
mean Wichita? A No, Sir, Kansas, she went to Wichita soon after the
year 1882 to 1883 and has been living there ever since; do you

Q Now your father and sister until 1882 or 1883 and then moved to
Wichita, and has been living there ever since; do you
mean Wichita? A No, Sir, Kansas, she went to Wichita soon after the
year 1882 to 1883 and has been living there ever since; do you

Signed, M. D. Green.

Subscribed and sworn to before me this April 22, 1901.

Signed, T. B. Needles,
Commissioner.

.....
Justice G. Jones, stenographer to the Commission to the Five Civil-
ized Tribes, being duly sworn, says that the foregoing is a true
copy taken from the original.

Sworn to and subscribed before me this the 4th of June, 1901.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., April 17th, 1901.

In the matter of the application of Louis T. Brown for enrollment as a Cherokee Freedman: said Brown being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Louis T. Brown.
Q How old are you, Mr. Brown? A I am 86.
Q What is your post office address? A Vinita.
Q In what district do you live? A Delaware.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Did you ever apply to be enrolled as a Freedman of any other tribe or Nation? A No, sir.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes, sir.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes, sir.
Q Is your name on the roll of 1880? A No, sir.
Q Is your name on the roll of 1896? A I don't know.
Q What was your father's name? A My father's name is Sam Brown, better known as Pomp Brown.
Q Is he living? A No, sir.
Q What is your mother's name? A Amanda Richey.
Q Is she living? A Yes, sir.
Q Is she a Cherokee Freedman? A No, sir.
Q Is your father a Cherokee Freedman? A Yes, sir.
Q Did you draw what is known as the strip moneymin 1896?
A Yes, sir.
Q Where were you born, Mr. Brown? A I was born at Chanute, Kansas.
Q How long have you lived in the Cherokee Nation? A I think I came to Vinita in 1882 or 1883, somewhere along there.
Q Been living here continuously since? A Yes, sir, with the exception I have been out to school.
Q Do you desire to enroll anybody but yourself? A No, sir.
Q Is your father's name on the roll of 1880? A No, sir.
Q What is the reason you are not on the roll of 1880? A Well, my father was not enrolled and I suppose they would not enroll me unless he was.
Q Was your father a slave? A Yes, sir.
Q What was the name of his owner? A Jim Brown, Judge of Sequoyah District.
Q You say your mother was not a Cherokee Freedman? A Yes, sir.
Q What is known as a State woman? A Yes, sir: my name may be on the roll of 1896, I don't know.
The 1880 Authenticated Roll of citizens of the Cherokee Nation examined and the applicant's name not found thereon.
The 1896 census roll of citizens of the Cherokee Nation examined and the applicant's name not found thereon.
The Kerns-Clifton Roll of citizens of the Cherokee Nation examined and applicant's name found thereon, page 121, #2989, Louis T. Brown, Delaware.
Q Do you claim Cherokee Freedmanship through your father? A Yes, sir.
Q You say your father is not living? A My father is dead.
Q Where was he during the war between the United States and the Confederacy? A I don't know.
Q You don't know whether he was in the Cherokee Nation in 1866 or not? A No, sir, I don't.
Q Have you any witnesses here? A Yes, sir.

S. R. Benge, being sworn and examined by Commissioner T. B.

Louis T. Brown - 2.

Needles, testified as follows:

- Q What is your name? A S. H. Bengo.
Q What is your age? A 69.
Q Post office address? A Fort Gibson.
Q Do you know Louis T. Brown? A No, sir; I am not acquainted with him, I have seen him.
Q Did you know Sam or Pomp Brown? A I know Pomp.
Q Was he a slave? A Yes, sir.
Q Whom did he belong to? A Jim Brown.
Q Did you know where Pomp was during the war between the United States and the Confederacy? A He was in Kansas, I saw him up there in Kansas in '66.
Q Did you know when he came back to the Cherokee Nation? A No, only as I related here a while ago, I saw Jim Brown and Pomp Brown here together.
Q What year? A '66.
Q Do you know whether Pomp Brown, where he lived after that?
A No, sir.
By W. V. Hastings, Cherokee Representative:
Q What was Pomp Brown doing here in November, 1866? A He was not doing anything when I saw him, he was here with his uncle.
Q Did his family live here? A No, sir; I don't know whether he had a family but himself.
Q Do you know how long he remained here at that time? A No, sir.
Q You only remember seeing him the one time? A I saw him several times.
Q I mean shortly afterwards? A I don't know just exactly, but I saw him several times; he finally told me, I don't know whether it was correct or not, he told me he had lived at Vinita a while.
Q Right along in 1866; if you can recollect, how long he lived here in Fort Gibson? A I don't remember, I knew him back yonder on Lee's Creek.
Q Where did you live during that year? A Sequoyah district.
Q How far is that from Fort Gibson? A About 40 miles.
Q I believe you testified that William Brown was running a barber shop? A Yes, sir.
Q Was he a brother of this man Pomp? A No, sir, uncle.
Q Where was Bill Brown's barber shop located at that time?
A Down here in town.
Q In old town? A Yes, sir.
Q Do you remember whose stores were adjacent to it? A No, Ross' had a store on this side of the street there.

By Commissioner Needles:

Louis T. Brown, the Applicant, re-called, testified as follows:

- Q Were your father and mother living in Kansas when you were born?
A Yes, sir; they were born living there; my father had been here.
Q In what year were you born? A September 5th, '84.
Q How old were you when your father came to the Cherokee Nation?
A I was a boy nine or ten years old.
Q Did your parents come with you? A My mother come with me; my father was here when we come.

Luster Foreman, being sworn and examined by Commissioner F. B. Needles, testified as follows:

- Q What is your name? A Luster Foreman.
Q What is your post office? Mr. Foreman? A Vinita.
Q How old are you? A About 58.
Q Are you a Cherokee Freedman? A Yes, sir.
Q Recognized as such by the Cherokee authorities? A Yes, sir.

Q How long have you known him? A I have known him since he was quite a boy.

Q Where has he lived ever since you have known him? A He lived at Vinita most of the time he was not out at school.

Q Did you know him while he lived in Kansas? A No, sir.

Q Did you know his father? A Yes, sir.

Q What was his name? A Pomp Brown.

Q Did you know his mother? A No, sir.

Q Where was Pomp Brown during the war? A Don't know.

Q Where did you first see him after the war? A Seen him here in Fort Gibson.

Q What year? A I don't know: along in '66 sometime, when Bill Brown kept a barber shop here.

Q Is he living, Pomp Brown? A No, sir, he is dead.

Q Do you know where he lived from the time you saw him here until the time of his death? A No, sir; I got acquainted with him here and the next time I saw him he was at Vinita.

Examination continued by the Applicant:

Q Mr. Foreman, when did you remove to Vinita? A I disremember.

Q Where were you when the 1880 roll was made? A Over there in Canadian District.

Q How long after that roll was made until you went to Vinita? A Two or three years.

Q Do you know whether or not Pomp Brown was in Vinita; he moved to Vinita himself? A Yes, he was there when I went there.

By W.H. Hastings:

Q Now Luster, you were here in 1866 yourself? A Yes, sir.

Q You are positive that you saw Pomp Brown here at that time?

A Yes, sir.

Q In the year 1866? A I am positive I saw Pomp here with Bill Brown in the barber shop, I worked in there with him.

Q Are you positive as to what year that was? A No, I don't know whether it was '66 or '65, I don't know exactly.

Q It was either '66 or '65? A I guess it was, I don't know exactly.

Q Do you know that it was not later than '66? A Yes, as near as I can get at it.

Q Where was Bill Brown's barber shop located? A On the west side of the street I think, I disremember, I think so.

Q Did you know who did business near him? A No, sir.

Q Do you know how long Pomp Brown remained here at that time?

A No, sir, I don't know exactly how long he remained here, he was here and he went somewhere else, I don't know.

Q About how long did you see Pomp around here? A I saw him quite a while.

Q As much as six months? A I don't know about that, I never kept much time when he was here.

Q Well now you knew that he went back to Kansas didn't you?

A No, sir.

Q You never saw him in Kansas? A No, sir.

Q Did you see him continuously in the Cherokee Nation; that is, with short intervals in the Cherokee Nation up to the time of his death? A I seen him here and I went to Vinita and got personally acquainted with him.

Q You didn't see him from 1866 up to the time you went up to Vinita? A I seen him up there.

Q I say you never saw him in the meantime? A I don't remember seeing him.

Examination continued by the Applicant:

Q Did you know the mother of Pomp Brown, did you know her name?

A I know who he claims to be; I reckon Bill Brown's sister, lived in Sequoyah.

Q I wish you would please state her name? A I know her name well,

Louis T. Brown - 4.

I can't think of it now.

Q Rosa Milton? A That is her.

Applicant: I would like to offer in evidence the 1880 roll, Page 708, number 83, Sequoyah district.

W. W. Hastings: Comes now the authorities of the Cherokee Nation and object to the question and to the offering of the name and number in evidence for the reason that it is irrelevant and immaterial. If the applicant is entitled, he is entitled as a descendant of his father who was a slave, and, therefore, the record of his grand-mother would not be material in this case.

The 1880 Authenticated roll of citizens of the Cherokee Nation examined and on page 708, #831, appears the name of Rosa Milton, in Sequoyah district.

Applicant: I offer this in evidence for the purpose of showing that the mother of Pomp Brown is upon the authenticated roll of 1880, and must to have returned within the time required by the Ninth Article of the Treaty of 1866, relative to colored people; that at that time the said Pomp Brown was a minor, and if he was entitled to citizenship at all, it was through his parents.

Louis T. Brown, the Applicant, re-called, testified as follows
By W.W.Hastings:

Q Louis, how old would your father be if he were living now?

A He would be about 48 or 49.

Martha Gales, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Martha Gales.

Q What is your age, Mrs. Gales? A 55.

Q What is your post office? A Muskogee.

Examination continued by the Applicant:

Q Did you know Pomp Brown during his life time? A Yes, sir.

Q By whom was he owned? A Owned by Jim Brown, Judge of Sequoyah District, same man I belonged to.

Q Did he leave this country during the war? A Yes, sir, he left there with the old judge himself, with my mother.

Q Do you know when he returned? A He returned with me and uncle Billy.

Q Who is uncle Billy? A William Brown.

Q Are you able to state in what year that was? A We come together in '68, in the Fall of '68.

By W.W.Hastings:

Q How long did Pomp Brown remain here in Fort Gibson when he got back here in '66? A I can't tell you, he most always made his home at his uncle's.

Q His uncle was William Brown? A Yes, sir.

Q Do you know how long it was before he returned to Kansas?

A No, sir.

Q You knew he went back up there? A No, sir.

Q Didn't you never see him up in Kansas after that? A No, sir.

Q Do you know John Brown who is here on the Marshall's force?

A I know his father, Bob Brown, and his mother.

Q Did you ever see him in Kansas after the war? A Yes, sir, I saw him in Kansas.

Q Was that before or after you came down here? A I had been down here and back.

Q Then you saw him? A Yes, sir.

Louis T. Brown - 5.

Louis T. Brown, the Applicant, re-called, testified as follows:
By Commissioner Needles:

- Q You were born in Kansas? A Yes, sir.
Q Well, how old were you when you returned to the Cherokee Nation?
A I was nine or ten years old.
Q Been living here ever since? A Yes, sir.

Applicant: I want to offer the 1860 roll, page 511, number 291, Illinois district.

The 1860 Authenticated Roll of citizens of the Cherokee Nation examined and on page 511, #291, appears the name of Wm. Brown, Illinois District.

Applicant: I offer this in evidence for the purpose of showing that Pomp Brown returned with William Brown; that William Brown's name appears upon the authenticated roll of 1860 and, therefore, must have returned in the year 1866.

By Commissioner Needles:

Q Have you shown that they returned together? A Yes, sir, this lady swore it.

By W.W.Hastings:

- Q Is your mother alive? A Yes, sir.
Q Where is she living? A Living at Vinita
Q How long has she been living there? A Mama has been living there ever since I have with the exception of the time I went to school
Q I am trying to ask you how long she has been living there?
A She came there in 1885; Papa died in '87, she moved to Wichita, lived there until '92 or '93, been living there ever since.
Q And then back to Vinita? A Yes, sir.

By Commissioner Needles:

- Q You stated that your mother was a non-citizen? A Yes, sir.
Q And your father was a slave? A Yes, sir.
Q Were they ever married? A Yes, sir.
Q Have you got any proof of that? A Not that I know of: I can possibly get proof.

Martha Gales, re-called, testified as follows:

By Commissioner Needles:

- Q Did you know Amanda, who was reputed to be the wife of Pomp or Sam Brown? A Yes, sir.
Q Do you know whether they were married or not? A Yes, sir.
Q You didn't see them married? A No, sir.
Q But they lived together as man and wife? A Yes, sir.
Q Considered by the community as man and wife? A Yes, sir, as a member of the Church.
Q How long did they live together as man and wife? A I could not tell you.
Q How long to your knowledge? A I really could not tell you.
Q Did they live together until his death? (No response.)
Q When you know them they were living together as man and wife?
A Yes, sir.
Q Do you know whether Louis T. Brown was born while they were living together as man and wife? A Yes, sir.

By W.W.Hastings:

- Q How did you know they were living in Kansas and you were living down here? A We could write.
Q That is the way you knew it, by corresponding? (No response)
Q Didn't you testify a while ago that you never knew that Pomp Brown went back to Kansas? A I never testified that: I said I saw him up there.

L. B. Bell, called as a witness for Applicant, being sworn

Louis T. Brown - 6.

and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A L. B. Bell.

Q Post office Vinita, lawful age.

Examination by Applicant:

Q Did you know my father during his life time? A Yes, sir.

Q Know my mother? A Yes, sir.

Q Do you know whether they lived together as man and wife? A They did while they lived at Vinita.

By Commissioner Needles:

Q How long did you know them there? A I guess it was four or five years; he started up a shop there and he was killed there.

Q Do you know whether they were living together as man and wife when Louis T. Brown was born? A No, sir.

Q You don't know anything about that? A No, sir.

Com'r Needles: The name of Louis T. Brown is not found upon the authenticated roll of 1880, nor the census roll of 1896. His name is found upon the Kerns-Clifton roll. By reason of the evidence, final judgment as to the enrollment of Louis T. Brown as a Cherokee Freedman will be suspended and his name will be placed upon a doubtful card.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, J. O. Rosson

Subscribed and sworn to before me this 18th day of April, 1901.

Signed, C. R. Breckinridge,
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Ft. Gibson, I.T., April 20, 1901.

In the matter of the application of Lewis T. Brown for enrollment as a Cherokee Freedman; being sworn and examined by Commissioner Breckinridge, he testified as follows:

Q Give your name? A Lewis T. Brown.

Q You have already made your application? A Yes, sir.

Q You want to correct your testimony? A Yes, sir.

Q You gave your age as 26? A Yes, sir.

Q Your post-office as Vinita? A Yes, sir.

Q What correction is it you wish to make? A I notice in the testimony that that gives my date of birth as September 5th, 1884; and it should be '74.

Q And you want to make that correction? A Yes, sir.

Q Is that all? A There is another correction I think I ought to be made (Points out matter to Commissioner on copy of testimony).

Q You want to correct some of the testimony of your mother?

A Relative to my mother.

Q You were giving the testimony? A Yes, sir.

Q You are made to say in answer to the question of how long your mother lived at a certain place, when you stated previous to that that she was living at Vinita, that she moved to Wichita and lived

Louis T. Brown - 7.

from 1882 to 1888 and has been living there ever since: do you mean Wichita? A No sir, Vinita, she went to Wichita soon after the death of my father and staid until 1882 or 1883: she then moved to Vinita, and has been living there ever since.

Q She lived at Wichita until 1882 or 3 and then moved to Vinita and has been living at Vinita ever since that time? A Yes, sir.

Q That's the idea you want brought out? A Yes, sir.

Gen'r Breckinridge: This will be filed as additional testimony in the case of Louis T. Brown.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green.

Subscribed and sworn to before me this April 22, 1901.

Signed, T. B. Needles,
Commissioner.

Bruce G. Jones, stenographer to the Commission to the Five Civilized Tribes, being duly sworn, says that the foregoing is a true copy ~~fax~~ from the originals.

Bruce G. Jones

Sworn to and subscribed before me this the 4th of June, 1901.



Commissioner.

OFFICE OF THE
COMMISSIONER OF THE
REVENUE
CITY, N. Y.

1

100-11111

Acting Commissioner of the Revenue
New York, N. Y.

Dear Sir:

I have the honor to acknowledge the receipt of your letter of the 14th inst. in relation to the matter mentioned therein.

The same has been referred to the proper authorities for their consideration.

I am, Sir, very respectfully,
Your obedient servant,
[Signature]

Very truly yours,
[Signature]

Enclosed for you are the following documents:

1. A copy of the report of the Board of Taxation.

2. A copy of the report of the Board of Finance.

3. A copy of the report of the Board of Assessors.

4. A copy of the report of the Board of Commissioners.

5. A copy of the report of the Board of Supervisors.

6. A copy of the report of the Board of Aldermen.

7. A copy of the report of the Board of Common Council.

8. A copy of the report of the Board of Education.

9. A copy of the report of the Board of Health.

10. A copy of the report of the Board of Fire Commissioners.

11. A copy of the report of the Board of Police Commissioners.

12. A copy of the report of the Board of Public Works.

13. A copy of the report of the Board of Public Safety.

14. A copy of the report of the Board of Public Health.

15. A copy of the report of the Board of Public Education.

16. A copy of the report of the Board of Public Welfare.

17. A copy of the report of the Board of Public Safety.

18. A copy of the report of the Board of Public Health.

19. A copy of the report of the Board of Public Education.

20. A copy of the report of the Board of Public Welfare.

I am, Sir, very respectfully,
Your obedient servant,
[Signature]

Very truly yours,
[Signature]

Enclosed for you are the following documents:

1. A copy of the report of the Board of Taxation.

2. A copy of the report of the Board of Finance.

3. A copy of the report of the Board of Assessors.

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18. A copy of the report of the Board of Public Health.

19. A copy of the report of the Board of Public Education.

20. A copy of the report of the Board of Public Welfare.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 11, 1901.

In the matter of the application of Ella J. Hill for the enrollment of herself and two children as Cherokee Freedmen.

Ella J. Hill, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Ella Hill..
- Q What is your age? A 28.
- Q What is your post office address? A Vinita.
- Q What district do you live in? A Delaware.
- Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
- Q Who do you desire to enroll besides yourself? A Two children.
- Q What are the names of your children? A Bessie Hill.
- Q How old is Bessie? A 5 years old.
- Q The name of the next child? A Herbert Leon.
- Q How old is Herbert? A 4 months.
- Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes, sir.
- Q Is your name on the roll of 1880? A Well, I don't know.
- Q Have you ever applied to any other tribe or Nation to be enrolled?
- A No, sir.
- Q Never drew money from any other Nation or tribe? A No, sir.
- Q Are you married? A Yes, sir.
- Q What is your husband's name? A Stephen Hill.
- Q What is your father's name? A His right name is Samuel Brown, better known as Pomp.
- Q Is he living? A No, sir.
- Q What is your mother's name? A Amanda Richie.
- Q Is she living? A Yes, sir.
- The 1880 authenticated roll of Cherokee Freedmen examined and the name of the applicant not found thereon.
- The 1896 census roll of Cherokee Freedmen examined and the name of the applicant not identified thereon.
- The Kerns-Clifton pay-roll examined and the applicant identified thereon, page 121, No. 5990, Delaware district, as Ella Hill.
- Q You say your father's name was Samuel Brown? A Yes, sir.
- Q Your mother's name was Amanda Richie, was it? A Amanda Richie.
- Q That is her present name? A Yes, sir, now.
- Q Her name was Brown when you were born? A Yes, sir.
- Q Was ~~xxxxxx~~ she a slave? A I don't think she was.
- Q Was your father? A Yes, sir.
- Q To whom did he belong? A George Brown.
- Q Where were you born? A Neotoma, Kansas.
- Q When did you remove to the Cherokee Nation? A Along about 1868.
- Q Been living here since 1868? A Yes, sir, off and on, only when I was out to school.
- Q Was your mother taken out of the Cherokee Nation during the war?
- A My mother, I don't know.
- Q Well, was your father taken out of the Cherokee Nation during the war? A Yes, sir.
- Q Where to? A Fort Scott, Kansas, I think.
- Q When did he return to the Cherokee Nation? A I don't know just when he returned.
- Q Is he living? A No, sir, he is dead.
- Q Have you any proof of marriage between your father and mother?
- A No, sir, I haven't any.
- Q Your mother wasn't a citizen, she was a state woman, was she?
- A Yes, sir.
- Q Well, have you got any evidences to offer as to your father's citizenship (No answer.)

By Lewis T. Brown, attorney for applicant: What relation are you to Lewis T. Brown?

Ella J. Hill - 2.

A Sister.

Lewis F. Brown: If the Commission please, I would like to have the evidence in D-94 applied in this case, as she is my sister; also to show the certificate of marriage and affidavits of her two children.

Commissioner: Applicant presents a certificate of marriage certifying that she was married to one Stephen L. Hill, according to the laws of the United States, on the 27th day of February, 1896. Applicant also presents satisfactory proof of birth as to two children, Bessie Hill and Herbert L. Hill.

Q At the death of your father, Samuel Brown, was there an administrator appointed over the estate? A Yes, sir.

Q What was his name? A Bill Madden.

Q Was he appointed under authority of the Cherokee Nation?

A Yes, sir.

Brown: I want to offer in evidence in this case and also in case D-94 letters of administration granted by the Cherokee authorities of William S. Madden, over the estate of Samuel Brown, the father of the applicants in these two cases, and through whom they claim citizenship.

Commissioner: You sign your name Ella J.; Ella J. is your name is it? A Yes, sir.

By W.W. Hastings, Cherokee attorney: Mrs. Hill, was your father and mother living together at the time you were born? A Yes, sir.

Q Are you the oldest child? A I am the oldest.

Q How many more full sisters and brothers were there? A You mean living and dead; there are two children dead.

Q There are just two of you living? A Yes, sir, that is all.

Q How long did you remain here when you came in '82 or '83, as stated in your testimony? A Well, I stayed until time to go back to school again.

Q How long was that, how long did you remain here? A I don't know just how long it was.

Q A month or a week? A I can't say just how long it was, but I was here at that time.

Q You didn't make any extended stay here? A No, sir.

Q You came down here on a visit, and when did you next come? A The next time I came back to the Territory, well it was about 1887, I was here in 1887.

Q Now how long did you remain here in '87? A Well, we moved here then at that time, up until we moved up again to go to school.

Q I know, but I want to know how long you lived here? A I don't know.

Q Did you stay here a month? A Yes, stayed here longer than a month.

Q Three months? A Yes, six months.

Q About six months? A Yes.

Q When did you return the next time? A Well I don't know just what time it was but we were backwards and forth from that time up until now, we brought her along.

Q Now when did you come down here and permanently reside this last time, how long have you been here this time permanently with going back to Kansas? A We have been back here about nine years.

Q Continuously, all the time? A Yes, sir.

Q Is this your first marriage? A Yes, sir.

Q Where was these children born? A Here.

Q Where was the younger born? A Here.

Q You were married in 1896 according to the certificate? A Yes, sir.

Q Married here? A Yes, sir.

Brown: Mrs. Hill, at the time you came here in 1882 or 3 at that time did your father own property and also have a farm in the Cherokee Nation? A Yes.

Ella J. Hill - 3.

- Q I will ask whether or not that property is now owned by his estate
A Yes.
Q And whether or not at that time he wasn't living here?
A Yes, he was living here.
Q Then your absence from the country was at a time when you were attending school in other places? A Yes.
Mr. Hastings: Did your father and mother live together as man and wife until his death, or did they separate? A Well, I can't say they separated and I can't say they lived together.
Q Your mother lived in Kansas? A She was with us the biggest portion of our time while we were at school.
Q At Neotoma? A No, sir, I don't remember anything about being at Neotoma.
Q Well, what part of Kansas, Fredonia? A No, sir, at Chanute and Parsons.
Q Your mother lived up there? A Yes, sir she has been with us.
Q Had your father and mother separated at the time of his death, were they recognized as husband and wife at the time of his death or were they separated? A Well, I don't know.
Commissioner: Where did your father die? A Died in Muskogee, he was killed there.

Commissioner: Ella J. Hill applies for the enrollment of herself and two children, Bessie and Herbert L. Her name is not found upon the authenticated roll of 1880 or upon the census roll of 1896, but her name is found upon the Kerns-Glifton roll and she presents satisfactory proof as to the birth of the two children, Bessie and Herbert L. Reference is made to the testimony taken in the case of Lewis T. Brown, Card D-84, and said testimony will be made part of the testimony in this case, and filed with the same. Ella J. Hill and her two children will be enrolled as Cherokee Freedman on what is known as a doubtful card for the further consideration of the Commission. When the Commission arrives at a conclusion in her case, she will be notified of the same by mail. In the mean time any further testimony may be produced.

Bruce C. Jones, being duly sworn, ~~and having taken the oath of office~~ says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 13th of May, 1901.

[Signature]

County Public.
Notary Public.

Since C. Jones, being only known by first name, was not identified, and the

WIT also be made a part of this 1. WIT.

P. L. Brown: I endorse the plea being shown in the 1-2-2

WIT also be made a part of the testimony in the case of

Commander Jones. There is no reason why it should not be

and I would like to have just what of the testimony in

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P. L. Brown: I would like to have a part of this 1-2-2

.....

Mr. Isambard:

You are referring to some Brown. I had the

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P. L. Brown: You are referring to some Brown. I had the

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SUPPLEMENTARY COMMISSION

100

Department of the Interior

October 2, 1901

Department of the Interior

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 5, 1901.

In the matter of the application of Ella J. Hill et al. for enrollment as Cherokee Freedmen.

Extract from testimony of Pomp Thompson, given in case of Martha Gales on October 5, 1901; L. T. Brown representing the applicant and J. S. Davenport the Cherokee Nation.

By L. T. Brown: You say you and Martha Gales made a trip from Fort Gibson to Webbers Falls in the spring of '87? A Yes, sir.
Q Who else was along on that trip? A Pomp Brown and Henry Scales.
Mr. Davenport: You any relation to Pomp Brown? A Yes, sir.

L. T. Brown: I would like to have a part of this testimony made a part of D-94, Lewis T. Brown. This gentleman testifies that he and Martha Gales and Pomp Brown made a trip from Fort Gibson to Webbers Falls in the spring of '87 and Lewis T. Brown claims his citizenship through Pomp Brown. While it does not show he was here in '86, yet is is a circumstance, and I would like to have that much of the testimony in.

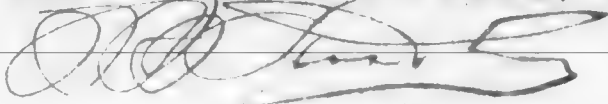
Commissioner: There is no reason why it should not go in; a copy of that part of the ^{testimony of the} witness relating to the trip as above will be made part of the testimony in the case of Lewis T. Brown, D-94.

L. T. Brown: I suppose by this being thrown into D-94, it will also be made a part of Ella J. Hill.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony of Pomp Thompson, given on October 5, 1901, in the matter of the application of Martha Gales for enrollment as a Cherokee Freedman, and that the foregoing is a true copy of a portion of said testimony.

Bruce C. Jones

Sworn to and subscribed before me this the 10th of October, 1901.



Commissioner.

CONFIDENTIAL

Deposited and sworn to before me this 10th day of May 1902

[Handwritten signature]

That the above and foregoing is a true and correct statement of the
contents and disposition of the same as shown by the records and
books of the said Commission, and that the same are true and correct
as shown by the records and books of the said Commission.

1902

ACTIVE

That the above and foregoing is a true and correct statement of the
contents and disposition of the same as shown by the records and
books of the said Commission, and that the same are true and correct
as shown by the records and books of the said Commission.

That the above and foregoing is a true and correct statement of the
contents and disposition of the same as shown by the records and
books of the said Commission, and that the same are true and correct
as shown by the records and books of the said Commission.

To be filed with C F D 256.

D 92

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 18, 1902.

In the matter of the application of Martha Gales to be enrolled
as a Cherokee Freedman:

Appearances:

Lewis T. Brown, agent, Vinita, I. T., for applicant;
James S. Havenport, Vinita, I. T., for Cherokee Nation.

TESTIMONY ON BEHALF OF THE CHEROKEE NATION.

JOSEPH ALBERTY, being sworn and examined, testified as follows:

- Q What is your name? A Jerry Alberty.
Q What is your post office? A Wagoner.
Q You live in the Cherokee Nation? A Yes sir.
Q How long have you lived in the Cherokee Nation?
A I have lived in there all my life. Born here and raised here.
Q Where were you living in 1863? A At Webbers Falls.
Q How far is Webbers Falls from Fort Gibson, Indian Territory?
A About 30 miles.
Q How long did you live at Webbers Falls after 1863?
A One summer.
Q During the time that you lived at Webbers Falls where did you do
your trading? A At Fort Gibson.
Q When you moved away from there to what point did you go?
A Down on the river about six miles from Wagoner.
Q About how far was that from Fort Gibson?
A That was about 22 or 23 miles from Fort Gibson.
Q Where did you do your trading after you moved down on the river?
A At Fort Gibson.
Q About how long did you live on the river near Fort Gibson?
A About two years.
Q Were you back and forth to and from Fort Gibson during that time?
A Yes sir. I did all my trading and milling and everything else
at Fort Gibson.
Q During the time that you lived there did you have an acquaintance
among the colored people at Fort Gibson? A Yes sir.
Q Did you know a colored woman named Martha Gales? During the
time you lived there on the river? A Not at that time.
Q Have you since that time become acquainted with her? A Yes sir.
Q Well you understand what years it was you lived on the river near
Fort Gibson; about 15 or 20 miles from there?
A It was '67 and '68 and a part of '69.
Q Since that time have you become acquainted with a woman named
Martha Gales and a man named Pomp Brown? A Yes sir.
Q When did you first get acquainted with them, and where were they
when you first saw them? A I never saw them at Fort Gibson
last night.
Q When was it you saw them at Fort Gibson?
A It must have been in '72 or '73; sometime about the 70s.
Q What were the circumstances under which you saw them that
called your attention to them?
A By the people there in the town. I made inquiry who they were.
Q Were they living there? A No sir they just come in.

Q How do you know they just come in ?
 A They come in and get off the stage.
 Q Was there anything special that caused you to notice them and inquire as to who they were; did anything come up with reference to traveling, or anything ?
 A Nothing more than that the people appeared to be glad to see them.
 Q Well now after you saw them there in 1870 get off the stage, where did you next see them, and where were they ?
 A I don't remember. I know it was a good long while after that before I saw them again.
 Q Who was it that you saw get off the stage ? A Just the two.
 Q Give their names ? A Martha Brown and Pomp Brown.
 Q You didn't see anyone else ? A That's all the two I saw.
 Q The same woman goes by the name of Martha Gales ? A Yes sir.
 Q Do you know her now as Martha Gales ? A Yes sir.
 Q Do you know where they came from; did you have a conversation with them ? A Not in particular.
 Q When you next saw them after the time you saw them get off the stage at Fort Gibson where were they ?
 A I saw Martha Gales at Fort Gibson the next time I saw her. That was the time of the census roll there.
 Q The Clifton roll ? A I guess so.
 Q Did you know anything about where she had been living in the meantime ? A I think she had been living about Brushy Mountain.
 Q Where did you next see Pomp Brown ? A I saw him so many times I can't tell you where the first place was.
 Q Do you know where he was living ? A At Vinita a while. I saw him at Vinita and I thought I saw him here in a barbershop.
 Q Do you know where Martha or Pomp Brown had been ?
 A No sir.
 Q That was the first time you ever saw them ? A Yes sir.
 Q You had been back and forth to Fort Gibson trading ever since 1863 up to the time you saw them get off the stage, and never saw either of them before ? A No sir. That's the first time I ever saw them.

Examined by Lewis T. Brown:

Q Where did you say you lived during the years 1867, 68 and 69 ?
 A I lived in 1867, 68 and part of 69 down here on the river, and then moved beyond the creek, down near Will Alberty's old place.
 Q How far is that from Fort Gibson ? A Twenty some odd miles.
 Q About twenty how many ? Is it 25 or 23 or 24 ?
 A It is called twenty five miles.
 Q When you told Mr. Davenport it was 16 or 20 miles from Fort Gibson you were mistaken were you not ? A Well I was just guessing at it just as I am doing now. I don't know yet how far it is.
 Q When was it you say you saw them in Fort Gibson ?
 A I can't state the year exactly; sometime about the first of the 70s, 72 or 74.
 Q You stated a while ago that it was 72 or 73 didn't you ?
 A It was somewhere along there. I think I was living beyond the creek at that time.
 Q When was it you say you next saw Martha Gales ?
 A I saw her at the Clifton enrollment at Fort Gibson.
 Q Well now where did she live from 72 or 73 when you claim you saw her at Fort Gibson until you saw her in 1895 at the Clifton court ?
 A I can't tell you.
 Q What's your information ? A They said at that time that she was living over about Brushy Mountain.
 Q That's in the Cherokee Nation isn't it ? A Yes sir.

Q. Why do you remember seeing her so well, you say you do not remember who else got off the stage except them. What impressed that upon your mind that you should remember that for 30 years?

A. Seeing them get off?

Q. Yes sir. A. I seen him get off and the reason why I know it, people were shaking hands with him and caused me to make inquiry you know.

Q. Uncle Jerry did you ever see another man get off the stage in your life? A. Oh yes lots of them.

Q. Did you remember when they got off the stage?

A. I remember some of them.

Q. In 1872 and 1873, as you claim, there was no railroad going into Fort Gibson? A. No sir.

Q. Any one going from any point to Fort Gibson would necessarily have to come in there by wagon road? A. Yes sir.

Q. When was it you next saw Pomp Brown after 1872 or 1873?

A. I can't tell you the next time I saw him, but I saw him in a barbershop.

Q. Whereabouts? In Muskogee or Vinita I don't know which.

Q. What year was it? A. I don't know. I don't know what year it was.

Q. You remember when you first saw him? A. Yes sir.

Q. Then why is it you cannot remember when you next saw him?

A. I didn't keep no record of it.

Q. Did you keep a record of the first time? A. I was keeping a record at that time.

Q. For what purpose? A. I kept it in my mind. It was right after the war at that time. After 1866 I kept time pretty well.

Q. For what purpose were you keeping a record as to when Pomp Brown came to the Cherokee Nation? A. I kept a record of how many years I stayed at the river place and at the old place, and after that time I never kept a record.

Q. For what purpose were you keeping a record as to when Pomp Brown returned to the Cherokee Nation? A. I never had any. Didn't I tell you it was on account of people being glad to see him the reason I made inquiry?

Q. The reason you remember it is that people were glad to see him?

A. I says "Who is them folks"; and they says "Pomp Brown and his aunt", or some of his relations. Then Henry Scales made a remark about his trunk. He had a trunk he wanted somebody to haul, and Henry Scales made a remark about the trunk. He was trying to hire somebody to haul it to some house, and Henry Scales told him he says--

Brown: Don't repeat anything Henry Scales said. The question is objected to. Comes now the applicant and objects to the witness being allowed to relate any conversation that Henry Scales might have had with Pomp Brown for the reason that it is hearsay evidence and for the further reason that Pomp Brown and Martha Gales are both dead, and neither can be here to affirm or deny witness' statement.

The Commission: The objection will be noted. The witness will be allowed to answer the question.

Mr. Davenport: You started to tell about a trunk, go ahead ?

A That's my reason why to know that.

Q Tell what they said to each other. That's what you started to say.

A Scoble asked him "Why don't you carry your own trunk?" He said "I'm not going to carry it as long as I got money". He said "Look here nigger before you been here six months you will take your trunk on your shoulder and pack it yourself". By that reason I got to making inquiries. You wanted to know why I made inquiry about him.

Examined by Lewis T. Brown:

Q You remember that conversation that took place 30 years ago ?

A Yes sir.

Q Uncle Jerry how many years was it from the time you first saw Pomp Brown at Fort Gibson until you saw him again ?

A I can't tell you.

Q About how long ? A 4 or 5 years. Maybe longer.

Q Where was he then ? A In a barbershop, I can't tell you where it was.

Q Where were you living then ? A Here on the creek.

Q You don't remember when you saw him ? A I saw him the next time in a barbershop.

Q If in 1872 or 1873 Pomp Brown had been going to Fort Gibson from either Vinita or Muskogee, wouldn't it have been necessary for him to have taken the stage in order to go there ? A Of course.

Q In order to go from any point in the Cherokee Nation wouldn't it have been necessary for him to have taken the stage to go there ?

A Yes sir.

Q Mr. Alberty you know Mary Greggs a white woman who lived down near Webbers Falls ? A No sir.

Q Where were you living in 1866 ? A Near Webbers Falls.

Q I will ask you if at that time a woman named Mary Greggs wasn't living there and is living there to-day ?

Question objected to by attorney for the Cherokee Nation, and the objection sustained by the Commission.

Q Uncle Jerry did you know everybody that was in Fort Gibson in the fall of 1866 ? A No sir, never knowed all of them.

Q There were a great many people there at that time that you didn't know ? A Lots of them.

Q Are you prepared to state that in the month of November, 1866, Pomp Brown was not in Fort Gibson ? A No sir.

Q Did you know Bill Brown during his lifetime ? A Yes sir.

Q He was there during that time ? A I think he was, I wasn't acquainted with him at that time. I heard the name called a right smart, but I wasn't acquainted with him.

Examined by Mr. Davenport:

Q You don't know of your own knowledge where Bill Brown was until you got acquainted with him ? A No sir. First time I saw him was right here.

By Lewis T. Brown: When was that ?

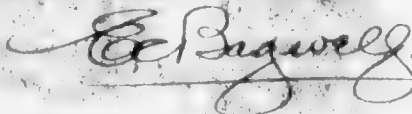
A Along in 1878 or 1879.

The Commission: This testimony will be made a part of the record in the following Cherokee Freedmen cases: D 92, D 94 D 256.

Lewis T. Brown: In cases D 94 and 256 applicant objects to this testimony being thrown into it, for the reason that he has never been notified that this testimony would be taken on this day. And for the further reason that he has additional evidence which he intends to introduce, and has only been waiting until notice has been served upon him that the Cherokee Nation would present their testimony to produce it.

The Commission: It appears from the records of the Commission that the agent of the applicants Martha Gales and Susan Brown is also agent for the applicant Ella J. Hill whose name appears upon D 256, and that applicant is representing himself in case No. D 94; consequently the testimony will be filed in said cases.

F. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the above and foregoing is an accurate transcript of his stenographic notes thereof.



Subscribed and sworn to before me this February 26, 1902.



Commissioner

80256

NOTED

Subscribed and sworn to before me on 10th day of August 1944

[Handwritten signature]
Notary Public

The original document...
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I, the undersigned...
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To be filed with F-D-256.

R.
C.F.D-94

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., March 3, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS ON BEHALF OF CHEROKEE NATION,
in the matter of the application of Lewis T. Brown for enrollment
as a Cherokee Freedman.

Appearances:

Applicant in person;
L. S. Bell, of attorneys for the Cherokee Nation.

BY MR. BROWN: Applicant objects to the introduction of any testimony tending to disprove his citizenship, for the reason that he is the descendant of a person whose name appears upon the authenticated roll of 1880, and that the decree of the United States Court of Claims of date February 3, 1896, and number 17, 209, under which this Commission is making a roll of Cherokee Freedmen, strictly forbids the introduction of any testimony tending to disprove the citizenship of any person whose name appears upon the authenticated roll of 1880, and their descendants.

BY COMMISSION: The objection of the applicant is noted, and the testimony will be taken.

PLEASANT N. BLACKSTONE, being first duly sworn and being examined, testified as follows:

BY MR. BELL:

- Q. Give him your name? A. Pleasant N. Blackstone.
Q. Your residence? A. Live in Muskegee now.
Q. Age? A. I am about 60 years old.
Q. Were you ever a resident of the town of Fort Gibson, Cherokee Nation? A. Yes sir.
Q. When? A. From December '56 up until about, I stayed there three years, I can't be exact as to the time, but about three years.
Q. What were you doing there, what was your business? A. Well I first worked for the quartermaster a little while there, and then I worked for Mr. F. H. Nash there in the mercantile business; ~~was~~ worked there nearly three years.
Q. About what was the population of that town then? A. About a baker's dozen.
Q. Leaving the soldiers out about a baker's dozen; there was not many, but a small town.
Q. Was there a barber shop in Fort Gibson when you stayed there?
A. Yes sir, I think so.
Q. Who had it? A. First barber shop I remember there was Henry Soales and a fellow named Charley Foreman; that was when I first went there, they were running a shop there, and later on I believe there was another shop by the name of Andy Murrell.
Q. How long did Andy Murrell run his shop there? A. I don't know. I think he was killed some time during the next summer or fall, of '67.
Q. Well he quit running it then did he? A. Yes, I think he quit running it, yes sir.
Q. Did you know who followed Andy Murrell in that shop? A. I think it was a fellow named Bill Brown.
Q. Bill Brown, was he a freedman Cherokee or a white man? He was a Cherokee Freedman I heard, he always claimed to be.
Q. Did you have any particular acquaintance with him? A. Yes, I knew him for awhile.
Q. Was he the William Brown that is the uncle of this Martha Sales that lives in this town, or a relation of her? A. I don't know that.
Q. Are you acquainted with Pong Brown? A. Yes sir.
Q. Was he Pong Brown's uncle? A. I understand so, I don't know it.

of my own knowledge.

Q. Now I will ask you did this Bill Green buy a barber shop in Fort Gibson in '66? A. No sir.

BY JAMES T. BROWN:

Q. I will ask you if Pomp Brown was in Fort Gibson in the fall of '66? A. I don't know. I don't think so.

Q. Do you swear he was not there? A. No, but I never saw him, nor never heard of him.

Q. There were possibly a great many people that you did not see, and never heard of were there then? A. It was a small place, and I would have been apt to see them or get acquainted with them.

Q. You knew every colored person that was in Fort Gibson in '66?

A. I think I knew everybody there.

Q. Did you know every body there? A. I guess I did.

I want to know whether you swear positively that you did? A. No I wont swear that.

Q. Now you stated in answer to Mr. Bell's question that there were about a baker's dozen there; now name this dozen that were there in '66? A. Well I ain't going to tryx that.

BY COMMISSIONER:

Q. Can you do so Mr. Blackstone? A. No, I couldn't tell it that way.

BY BROWN:

Q. You say you knew everybody that was there? A. Yes sir, I did I think.

Q. That was about a dozen there? A. Oh there were more than that, I didn't know the soldiers.

Q. Isn't it a fact that there were as many as three or four hundred negroes around there during the year? A. I don't know how many there was around there, there was a good many that was there; it was a small place, I don't know how many.

Q. Isn't it a fact that there were as many many as three or four hundred?

A. No, I don't know that.

Q. You wont swear there was that many? A. No, I wont swear there were or wasn't.

Q. You didn't know all the colored people in town? A. I think I knew pretty near every colored man in town.

Q. Did you know all of them? A. No, I wont say that.

Now Mr. Blackstone, when did you first see Pomp Brown? A. First time I remember I ever saw Pomp Brown was in here in this town.

Q. What year was that? A. I don't remember, but he was here, barber.

Q. How long was it after you left Fort Gibson? A. Oh I left Fort Gibson in '69 or '70, I wont be certain which; '70 I guess.

It was in '70 you saw him? A. No no.

Q. When was it you saw him the first time? A After I lived here in town.

Q. How long was it from the time you left Fort Gibson until you saw him? A. It might have been five or six years.

Q. Then if you left there from '69 to '70, you saw him in '74 or '75 A. I didn't say either, I didn't live there here; I lived on the river, four or five years before I come here.

Q. About what year was it when you first met Pomp Brown? A. I can't place the years, but it was after I moved to town, I moved to town; I moved here in '68, and it was after I come here.

Q. You moved to Muskogee in '93? A. Yes sir.

Q. And Pomp Brown was here after you moved to Muskogee? A. That is the first time I ever saw him.

Q. That is the Pomp Brown you were talking about? A. Yes, the one that was killed up here in this district.

Q. You are positive that you moved to Muskogee in 1893? A. Yes sir.

Q. And it was before that time you saw Pomp Brown? A. No, I moved here in '68 I think.

Q. Now when is it, '68 or '69? A. '68.

C. F. D-94 3

Q. How long was it then from the time you moved here until you saw Pomp Brown? A. Oh I don't know.

Q. About how many years? A. I don't know.

Q. Give us your best judgment? A. Oh I couldn't tell you, I won't try.

Q. I want you to give us some kind of an estimate? A. After I moved here he was a barber here, I don't know how long he had been here or anything about it; he was here when I first moved here, but after that he moved here.

Q. How long after that was it? A. I don't know.

As much as four years? A. It might have been, and it might have been one year, I don't know.

Q. That as near as you can come to it? A. Yes sir.

Q. You are positive you moved here in 1883? A. Yes sir.

Q. You say some time from the time you moved here in '83 until Pomp Brown came here and run a barber shop in the city of Muskogee?

A. I don't know whether he run a barber shop when he was killed here or not; I forgot; he run a barber shop in Vinita.

Q. Did he run a barber shop in Muskogee any of the time from '83 down to when he was killed? A. Yes sir.

Q. You swear that do you? A. Yes sir, in the summer.

Q. It was after 1883? A. Yes sir, I think so.

Q. You are positive that it was after you come to this country?

A. Yes sir.

Q. That is, to Muskogee? A. Yes sir.

Q. And you came here in '83? A. Yes sir.

Q. And this Pomp Brown ran a barber shop in Muskogee before 1883?

A. Yes sir.

Q. In the fall of '86 there were a great many colored people coming to Fort Gibson? A. I didn't see a great many.

Q. Did Pomp Brown come? A. I never saw him.

Q. You are not going to swear positively that Pomp Brown was not there in '86? A. I am going to swear I never saw him.

Q. Will you also swear positively that Bill Brown didn't run a barber shop in Fort Gibson in the fall of '86? A. Yes sir, I will swear that he was not there.

BY MR. DILL:

Q. Your business was clerking in the dry goods store there was it not? A. Yes sir.

Q. People of the town trading in there? A. Yes sir.

Q. And that was your means of knowing these folks? A. Yes.

BY BROWN: Wait a minute; you are asking for conclusions.

F. H. Nash, being first duly sworn, and being examined, testified as follows:

BY MR. DILL:

Q. Give him your name, Mr. Nash? A. F. H. Nash.

Q. Post office? A. Fort Gibson.

Q. Your age? A. 63.

Q. How long have you resided in Fort Gibson? A. About 49 years.

Q. Were you in that town in the year 1860? A. Yes sir.

Q. What was your business there? A. Merchandising.

Q. Was there a barber shop run in that town during the year 1863 that you recollect of? A. Best of my recollection there was, yes sir, '66 and '68.

Q. Do you know who owned the shop? A. Andy Murrell, that is the best of my recollection.

Q. Do you know who succeeded for him? A. Well it strikes me a man named Charley Foreman, he didn't run it himself, but to the best of my recollection Charley Foreman run it.

Q. How I will inquire if you was acquainted with one William Brown, a colored man, who ran a barber shop in Fort Gibson?

A. Yes sir, he afterwards moved to Muskogee I think.

Q. He is dead now is he? A. Yes sir, so I have been told.

Q. When was it he ran a barber shop in Fort Gibson? A. It was after Murrell was killed I think, to the best of my recollection.

Q. And when was Murrell killed? It was, I will not be positive, but it was either in '67 or '68, it strikes me though it must have been '66, early in '68, it was either '67 or '68.

Q. During the year 1866 did you see anything, or was Bill Brown running a barber shop in the town of Fort Gibson? A. Not that I recollect of it at all; I have no knowledge or recollection of it.

Q. How far was this shop of Murrell's from your place of business?

A. Oh it was probably a hundred yards or such matter; I don't remember exactly now; it was across the street though, it strikes me. Had a shop at one time on the same side of the street, and then afterwards across the street; it strikes me it was across the street.

Q. Did you have any work done for yourself in that barber shop? A. Yes sir, I have been shaved there.

Q. You didn't see Bill Brown in the year '66 shaving there? A. No sir not that I recollect.

BY LEWIS T. BROWN.

Q. When did you first become acquainted with Bill Brown? A. It was after he went into the barber business; after Murrell was killed.

Q. When was that? A. '67 or '68, I am not positive.

Q. If this man Murrell was killed on the third day of March, 1868, then Bill Brown ran a barber shop after '68 did he? A. It was after Murrell was killed I think, I don't remember when Murrell was killed; I see you have got the date, I guess it was about '68.

Q. Now Mr. Nash, was Bill Brown in Fort Gibson in the year '66?

A. Not that I remember; I have no recollection of it.

Q. There were a great many people around there at that time, were there not? A. No sir, not a great many.

Q. There was more than a baker's dozen, wasn't there? A. Oh yes sir, there was soldiers there.

Q. There were as many as three or four hundred colored people around there? A. Yes sir, I expect there was.

Q. You were in business there at that time, as other merchants were? A. Yes sir.

Q. You didn't try to keep any record there as to when people came and went out? A. No sir.

Q. Nor do you propose to state the exact year that some man ran a barber shop in Fort Gibson some 35 or '6 or '7 years ago?

A. No sir.

Q. You are only testifying as to your best recollection? A. That's all.

Q. You can't swear positively that Bill Brown was not there in Fort Gibson in '66 can you? A. No sir, I can't.

Q. Did you know Pomp Brown during his life time? A. Old Pomp? Yes? A. Yes sir.

Q. When did you first get acquainted with him? A. Before the war, no, I am thinking of Pomp Thompson; I don't remember Pomp Brown; I might know him if I was to see him, but I don't remember him.

Q. You won't swear that he was not there in the fall of '66? A. No sir, I couldn't swear he was or he was not.

Q. Nor do you swear positively that Bill Brown was not running a barber shop there in '66? A. My impression is that there was but one shop, run by Andy Murrell; and Bill Brown bought it after Andy Murrell was killed.

Q. That was about 36 years ago? A. Yes sir.

Q. And your memory is not clear entirely upon that point? A. It is as clear as any one else's I expect could be.

Q. You won't attempt to swear that he did not run a shop there in '66? A. No sir, but I don't think he did, to the best of my recollection he did not.

BY MR. BELL.

Q. You were asked the question if there was not three or four hundred colored people around there; do you mean in the town, or in the country around there? A. Oh scattered out in the suburbs, they were

there,--the cholera was I think in '67 was it not; there was a great many colored people and the cholera was so bad that the commanding officer moved them to Four Mile Branch, give them tents to live in and rations to eat and burned up their cabins, and there were then very few about Fort Gibson from that on until quite a length of time on, most all of the colored people moved out of Fort Gibson in '67, and that makes me believe more firmly yet that there couldn't have been but one barber shop there, because there was not many colored people in Fort Gibson in '68; they had moved out.

BY BROWN:

Q. And that is why you testify as you have? A. Yes sir.
Q. You didn't own the only store in Fort Gibson in '66 did you?

A. No sir.

Q. Well Nip Blackstone used to work for you there? A. Yes sir.
Q. And his duties were at your store, and not at Somebody's else's store? A. Oh I guess he was in some body else's store too; I don't suppose he confined himself strictly to my store; and he worked for the Government before he worked for me, in the quarter master's department, some six or eight months I think.

McGOY SMITH, being first duly sworn and examined testified as follows:

BY MR. KELL:

Q. What is your name? A. McCoy Smith.
Q. What is your residence? A. Canadian District.
Q. Age? A. 66.
Q. Where were you in 1866? A. Over here on Canadian until the latter part.
Q. Did you live about Fort Gibson in '66? A. I come there in November '66.
Q. What time in November, if you recollect? A. About the first.
Q. Do you know who was running a barber shop there in November 1866?
A. Andy Murrell.
Q. During that month of November, 1866, did you ever see one William Brown, Freedman, in that shop running it? A. No sir, never did.
Q. Well did he run that shop any time after you come there during the year 1866? A. I never saw him there until, oh it was 4 or 5 years after the time I came there; before I saw Bill Brown there; I don't know exactly when it was, but it was 4 or 5 years after that.
Q. Well you knew William Brown did you? A. Yes sir.
Q. Was he Pomp Brown's uncle? A. I didn't know Pomp Brown.
Q. Do you know what become of that William Brown? A. I understood he died here at Muskogee.
Q. He moved away from there and came to Muskogee did he? A. Yes sir.

BY BROWN:

Q. You state now that Mr. Smith that Andy Murrell ran a shop there in November '66? A. Yes sir.
Q. How long did Andy Murrell run that shop? A. Until I think about '68 when he was killed.
Q. Then he sold out did he, to who? A. I didn't know he sold out to any body; I think that Henry Scales and Charley Foreman I think run that shop after that.
Q. Now your recollection is Andy Murrell run that shop and sold out to Henry Scales? A. No I didn't say he sold out.
Q. Well Henry Scales ran the shop after Andy Murrell? A. Yes sir.
Q. When did you first see Bill Brown in your life? A. That was about, oh I don't recollect exactly when it was.
Q. About that year? A. It must have been about '68 or '69, or '70, I saw him down there at Gibson.
Q. What was he doing there? A. He wasn't doing anything when I saw him.
Q. That is the first time you ever saw him in your life? A. No, I knew him before the war.
Q. How the first time you ever saw him after

the war was in '69?

A. Yes, somewhere along that time, '88 or '90.

Q. There were a great many ~~negro~~ colored people around Fort Gibson in '63 and '7 and '8? A. Yes sir.

Q. It was impossible for you to know all of them? A. It was impossible for me to know all of them, and a heap of them I never did know.

Q. Pomp Brown might have been there in '66 and you not have known it? A. Yes, he could have been there and I never did know him.

Q. All that you know about it is that some man ran a barber shop, name Andy Murrell, there in '66? A. Yes sir.

SALLIE LOVING, being first duly sworn and being examined testified as follows:

BY MR. HASTINGS:-

BY BROWN: I would like for the record to show that during the examination of the ~~case~~ former witnesses this witness was in the ~~exam~~ room.

WITNESS: I was standing there by your lawyer at the door; I suppose you can prove it by him; he will tell you I was standing there by him, giving him a pointer too.

BY MR. HASTINGS: Did you hear the statement of these other witnesses? A. I didn't hear it.

Q. What is your name? A. Sallie Loving.

Q. What is your age? A. I was born in '61 in March.

Q. Did you ever know a colored man named Pomp Brown? A. Yes sir.

Q. Where did you know him? A. In Fort Scott; I went to school with him.

Q. When was that? A. In the sixties.

Q. Well did you know him after that? A. I knowed him in Humboldt. He was running a barber shop in Humboldt, and I went therein '69 and I left there in '72, and he was still running a barber shop.

Q. Did you leave him there? A. Yes sir.

Q. Did you know Martha Gales? A. Yes sir.

Q. Where did you know her? A. In Fort Scott.

Q. When? A. In the sixties.

Q. How long did you continue to know her? A. Up until she left there in '84.

Q. Did she live there all the time up until 1884? A. I never missed her out of the town ~~while~~ while I was there.

Q. Did you know Susan Brown? A. Yes sir.

Q. Where did you know her? A. Went to school with her.

Q. Where at? A. Fort Scott.

Q. Did you know their mother? A. Aunt Ibbie?

Yes. A. Yes sir.

Q. How long did you continue to know Susan Brown in Fort Scott?

A. I left there in '69 and when I come back in '72 she was still there.

Q. Between '69 and '72 you were at Humboldt? A. Yes sir.

Q. And there you knew Pomp Brown? A. Yes sir.

Q. Did you know Bill Brown? A. Slightly; he left there before I got acquainted with him much.

Q. You don't know just what time he left? A. No, I don't know.

BY BROWN:

Q. How old were you Mrs. Loving, when you left Fort Scott?

A. I was going into 8 years old. Q. And how long did you remain away from there, you say? A. From '72, I went there and stayed until '82.

Q. Now then you say you went to school with Pomp Brown? A. Yes sir.

Q. During what year? A. In the '60s. School started in I think '65, and I went to school with him there in '69; he was a big

Yellows; what you would call a young man. Well he was a man, looked more like you.

Q. That is the Pomp Brown you talk about? A. Yes, that is the Pomp Brown.

Q. When did you say you returned back to Fort Scott? A. '72.

Q. And at that time you left Pomp Brown at Humboldt, Kansas, running a barber shop? A. Yes sir, from there he either went to Chanute or Texas I don't know which.

Q. Or the Cherokee Nation? A. No, I don't think he went to the Cherokee Nation until later on.

Q. You don't know when he went to Humboldt? A. I don't know, he was there when I got there in '69.

Q. When did he leave Fort Scott? A. He must have left some time in '69 or some time I think along in there.

Q. You say you don't know when he left, but you found him in Humboldt; now when did he leave Fort Scott? A. He might have gone one one train and me on another.

Q. When did he leave Fort Scott; that is what I want to get out?

A. I left therein '69; I don't know when he left.

Q. You don't know where he went when he first left? A. No, I don't know.

Q. He might have come to the Cherokee Nation when he first left?

A. Yes, he might have.

Q. You won't swear that he didn't? A. No, I am not swearing only to what I know.

Q. Well now in November 1866 where was Pomp Brown? A. He must have been in Fort Scott.

Q. How do you swear positively that he was? A. Yes, I have no other reason to say so, because I never went to school over three years, hardly three.

Q. About how old were you in '65? A. I was past four years old.

Q. You went to school then when you were four years old? A. Yes sir, I was lots smarter than lots of young ones now eight or ten, from all accounts I can get.

Q. When did you quit school? A. '69.

Q. You went to school four years then? A. No.

Q. You started in '66 and quit in '69? A. Well in that neighborhood I said two or three years, three or four years, yes.

Q. I believe you stated in another case that you were married when you were 12 years old? A. Yes sir.

Q. How long was it from the time Pomp Brown left Fort Scott until you were 12 years old? A. What?

Q. How long was it from the time that Pomp Brown left Fort Scott until you were 12 years old? A. Well I was 12 years old when I was 12 years old; I left there in '69, I come back, I was past ten when I started back to come home, past eleven.

Q. What I am trying to get at is this: understand my question; how long was it from the time Pomp Brown left Fort Scott, until you were 12 years old? A. I don't know the time he left there; I didn't keep any blocks on him; I don't know what time he left there; I knew he was there; I knew he went to school; I didn't know how long he went to school.

Q. He didn't go to school all the time with you? A. I don't suppose he did. I had to help my mother also half a day and go the other part of the day.

Q. He might have left there in the fall of '66 and you not know it?

A. No, I don't think he did, I don't think he left there in '66.

I couldn't positively say what year it was he left there.

Q. You say you and he went to school together? A. Yes sir.

Q. And he didn't go to school all the time that you did? A. He was there there and I think, I don't know when he left.

Q. When he was not going to school where was he? A. How did I know?

Q. You wouldn't swear he was in Fort Scott when he was not going to school? A. He was liable to have been.

Q. Liable to have been anywhere else as there? A. Yes for a short little time.

Q. Well so it is a minute? A. Yes, so it is '66, I see what you are at.

Q. From '69 until '72 you were away from Fort Scott and lived in Humboldt, Kansas? A. Yes sir.

Q. Pomp Brown was there then? A. Yes sir.

Q. Now I want to ask again ask you how long it was from the time Pomp Brown left Fort Scott until you were 12 years old? A. I don't know without taking time to count it up.

Q. Please take time, take all this evening. A. I don't have to. I was 12 years old when I was 12.

Q. Now how long was it? A. I am liable to be 4 or 5 years older than that; I was only told by my mother's young master, I was liable to have been older, I couldn't have been any younger; I am counted in the State of Kansas the youngest mother, and the youngest grandmother.

Q. Please answer my question? A.

BY COMMISSION: Can you answer the question?

BY MR. HASTINGS, of Attorneys for Cherokee Nation: That is objected to by the representatives of the Cherokee Nation, and as not being proper cross examination.

A. Not without I take time to count it up I say; I left there in June 1869, and when I went to Humboldt he was there.

BY COMMISSION:

Q. When did you last see Pomp Brown before he went away? A. Oh must have seen him two or three months before he was killed.

Q. How long before you left Fort Scott did you see Pomp Brown?

A. I don't know. It might have been two years and it might have been one.

Q. You have absolutely no idea how long it was? A. No sir, I know it was in that time he was there.

BY BROWN:

Q. You were only five years old in '66? A. From the way I count it, yes sir.

Q. You know your age? A. I don't really know it; I haven't got my age down; I was only told that I was that old; I am liable to be older. I couldn't be younger. I have got a pretty good memory for a child of that age. The folks at home say so, that's all I have got, somebody's word.

Q. In reference to the time that Martha Gales left Fort Scott is it not a fact that when you went away from Fort Scott in '69 and after you returned in '72 that Martha Gales was not there? A. She was in Fort Scott.

Q. After you returned from Humboldt? A. Yes sir.

Q. After '72? A. Yes sir. She run a barber shop in front of Vanberg's clothing store; her husband, Ed Henderson, run a barber shop; and she shaved along by the side of him; every old settler in this house knows that.

Q. Did she live there continuously from '72 until '84? A. Without she was gone when I went in '72.

Q. Then if Jerry Alberty testified that he saw her and Pomp Brown in Fort Gibson in '74 he might have been mistaken? A. I know she went on a visit. Q. She might have been gone as much as a month? A. Yes sir, might, I don't know.

Q. When you were five years old might she not have been gone a month or two? A. Yes, that is what I say, she might have been gone a month. Q. When you were five years old might not Pomp Brown

have been gone a month or such matter? A. Yes sir.

Q. All those things are possible? A. Yes sir.

Q. You are the same lady who testified in the case of Becky Webber are you not? A. Yes sir; I can't make no dates, because-

Q. Go ahead; what did you start to say? A. I don't know what I was going to say; you asked me didn't he go away and stay a week; I could not tell what year or what month he went away; I don't remember; I missed him out of there, missed your Net Gales out of there; I don't remember the girl.

BY BROWN: I would like to have a copy of the testimony of this witness in the case of Becky Webber, D-92, made a part of the record in the case at bar, and also in D-92, Martha Gates, and D 93, Susan Brown and D 266 Ella J. Hill.

BY COMMISSION: The testimony in this case will be made a part of the record in Cherokee Freedmen doubtful cases D 92 D 93, ,D 256 and the case at bar.

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) M. D. Green.

I, Frances S. Botsford, being first duly sworn do state that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing copy and that the same is a true and complete copy of the original transcript.

Frances S. Botsford

Subscribed and sworn to before me this 14 day of April, 1902

Philip J. Renter

Notary Public.

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CHAIRMAN

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Department of the Interior,
Commission of the Five Civilized Tribes,
Muskogee, I. T., March 8, 1902.

Supplemental testimony on behalf of Cherokee Nation, in the
matter of the application of Becky Webber for the enrollment of
herself as a Cherokee citizen.

Appearances:

Mr. Mallett, of Mallett & Smith, Vinita, I. T. attorneys
for the applicant;
W.W. Hastings, of attorneys for the Cherokee Nation.

Callie Lovings, being first duly sworn and being examined
testified as follows:

By Mr. Hastings:

- Q What is your name? A Callie Lovings.
- Q What is your postoffice? A Fort Scott, Kansas.
- Q What is your age? A Born in '31, in March.
- Q Born in March, '31, where were you born, Fort Scott? A Nevada, Missouri.
- Q When did you come to Fort Scott, Kansas? A '85.
- Q You were two years old? A Yes sir.
- Q Did you ever know a colored woman up there named Becky Webber?
A Yes sir.
- Q Did she have any children, the Becky Webber, you knew? A Yes sir.
- Q Give some of their names? A Well there's one, boy named Fobby.
- Q You know whether that was a nick name? A Yes sir, that was a
nick name.
- Q What was his correct name? A Why I have forgotten now, Lewis.
- Q Did she have another one? A She had two girls.
- Q What were their names? A One of them was named Lydia and the
other one was, the, oh I can't, aint that funny, I can't remember
their names, Lydia and I can't think of the other one.
- Q You think of any other boys names besides Lewis? A Their names
are on the end of my tongue, but I can't call it, it has been so
long since I saw them; one of them's name was Lydia.
- Q Now think about the boys' names? A Lewis, called him Fobby,
nick name.
- Q Any other boy you think of now? A No, if she had another one I
don't remember it now.
- Q You remember a boy named Ellis, you remember? A I have heard the
name.
- Q Do you remember him? A No sir.
- Q How long did you live in Fort Scott continuously? A Fro. '65
until '69.
- Q Do you know where Becky Webber was when you left there in '69?
A I think she was over across Mill Creek, lived near the magazine.
- Q How far was that from Fort Scott? A About a mile or such a
matter I don't think it was any further.
- Q Did you afterwards come back to Fort Scott? A Come back in '73,
yes sir.
- Q Was Rebecca Webber there then? A Yes sir.
- Q Well about when did she leave there? A Well she didn't leave
there a great while ago, might have been in '50, '70 or '80 or '9
I think in there somewhere, to the best of my knowledge.
- Q Well did you live there when you came back in '73, continuously?
A Yes sir.
- Q Where did they live in '73 when you came back over there, near
the magazine, or had they moved? A No I don't know where they
lived.
- Q You know whether any of these children attended school or not?
A Yes sir.

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- Q Did you go to school there too? A Yes sir.
- Q Go to school together? A Yes sir.
- Q That was after you got large enough to go to school? A Yes sir, went to school with them two or three years.
- Q You were born in March, 1851? A Yes sir.
- By Mr. Hellette:
- Q Are you a married woman? A Yes sir.
- Q How long have you been married? A Since 1877.
- Q How old were you when you were married? A I was 12 years old.
- Q 12 years old when you first married? you were married in '77, you are certain about that now, are you? A Yes sir.
- Q You say from '61 to '77 is 12 years do you? A Well that is when I was married.
- Q You remember when you were first married? A Yes, I do.
- Q When were you first married? A 5th day of September, '77.
- Q How old were you when you were first married? A I was 12 years old.
- Q That is all the knowledge you have of it is it? A Well that was the date that my mother's young master gave me, of course I was born in slavery; I was born in '51.
- Q Where were you born? A Nevada, Missouri; there is no colored people hardly ever asked in the early days about birth.
- Q Were you ever in jail? A Many a time, for fighting about my husband.
- Q How many times were you in jail? A I don't know; any time any woman got after him I whipped her; anybody will tell you that.
- Q Give us an idea of how many times you have been in? A I don't know; I never kept count; I was in jail nearly the whole four or five or six years while I lived with him.
- Q Have you ever been in jail since then? A No sir, only on false pretense, when he tried to get me to live with him and I beat him; and I have got a witness for it; that is the only man I ever married.
- Q Have you any children? A Yes sir.
- Q How old are they? A My daughter is 27 years old.
- Q 27 years old? A Yes, she is 27 years old.
- Q She was born before you married then? A Yes.
- Q How long before you married your husband? A Well, she was, I have got 2 children.
- Q You were married in '77? A I have got two children, both of my children were born before I was 17 and before I was married.
- Q You have been married then about, your daughter was born about how long, about two years before you were married, that right? A Yes sir.
- Q Then you wasn't but ten years old at the time your daughter was born according to your testimony; you say you were married when you were 12? A Yes, I was.
- Q You stick to that do you? A Yes, as near as I was told.
- Q You came to Fort Scott in '65? A Yes sir.
- Q You were 2 years old at that time? A Yes sir.
- Q You remember the event well do you, when you came to Fort Scott? A Yes, I remember a little about it.
- Q You remember a little about when you were 2 years old? A Yes sir.
- Q You remember seeing Becky Webber as soon as you got there? A No, all I remember the government soldiers bringing them in there by the hundreds; she was with the rest of them.
- Q You lived there and left there in '69? A Yes, and stayed until '72.
- Q You were eight years old then when you left there? A In the neighborhood of that.
- Q You had seen Becky Webber frequently before you left there, and you remember her now? A Distinctly; I remember her distinctly, and all the rest of them.

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Q Ever seen her since then? A Yes, I have.
 Q Where was she in '66? A She was in Fort Scott.
 Q You remember that do you? A I am pretty certain she was.
 Q Do you remember she was in Fort Scott in '67? A If she come with the rest she was there, and she certainly come with the rest.
 Q Do you remember her being in Fort Scott in '68? A Yes sir.
 Q You swear she was there? A Of course I do.
 Q You were five years old at that time? A Yes sir.
 Q And you saw her? A Yes sir, if I could remember her at two years I could remember her at five.
 Q Do you remember it at two? A Yes, I do; and there's lots of people in this house knows I do.
 Q How old a woman was Becky Webber in '68? A Well from the first time I saw her I judge her to be about 40 or 50 years old. She was an old woman then.
 Q You left Fort Scott at the age was that in '70? A Yes sir.
 Q Becky Webber was living in Fort Scott all the time you were there? A Yes sir.
 Q You remember that distinctly? A Yes sir.
 Q When were you first asked about this? A Last fall I think it was.
 Q Last fall was the first time you had your attention called to this matter? A Yes sir.
 Q You remember it then forty years back, seeing Becky Webber in Fort Scott, when you were five years old? A Yes sir, I remember it.

Richard Drake, being first duly sworn and being examined testified as follows:

By Mr. Hebbings:

Q What is your name? A Richard Drake.
 Q What is your age? A About 50.
 Q What is your postoffice? A Fort Scott.
 Q How long has that been your postoffice? A Since '70.
 Q Did you ever know a colored woman up there by the name of Becky Webber, Fort Scott, Kansas? A Yes sir, I know her.
 Q When did you learn to know her? A About the time I moved in Fort Scott, soon after.
 Q Did this Becky Webber you remember that you know have any family of children? A I think she had two sons and two daughters, I think.
 Q What are the names of her sons? A I think one of them was named Ellis Webber.
 Q What was the other one's name? A Lewis, I think.
 Q What was her daughter's name if you remember? A I think the oldest daughter was named Lucinda.
 Q You recollect the other one? A The other one I just can't call the other one just now.
 Q How long did you continue to know Becky Webber there in Fort Scott after you came there, began to know her in '70? A Until along about, I guess it was about '82 or '83, the last I saw of her.
 Q Did you know her continuously from that time up until '92 or '93? A Yes.
 Q Keep house there? A Well I think in '92 or '93 she went out in Colorado and came back there.
 Q I mean from '70 up until '92 or '93? A Oh yes, they had a house there.
 Q Ellis lived there all this time? A No.
 Q How long did you know Ellis there after you were there from '70? A Well best of my knowledge Ellis left there about '74.
 Q How about the rest of them? A Well I think the oldest daughter left there about the time Ellis did, or possibly before.
 Q Ellis living there, when did you first know about that? A Yes sir.
 Q How long after that? A Yes sir.

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remember how long this woman was gone away from there in '92
A No, I don't know exactly the time.
Q You know how long she was gone, I say? A No, I say I don't know
the time.
Q How she live up there now? A Not that I know of.
Q Mr. Mellette:
Q Where was Becky Webber the applicant, in '88? A I don't know.
Q When did you see Becky Webber last? A Well the last, it was
about '92 or '93.
Q Do you know whether she is the Becky Webber that is applying
here for citizenship or not? A Do I know whether it is? Well if
I would see her I could tell you.
Q Well I know, but you don't see her? A No.
Q You don't know whether the Becky Webber you are talking about
is the Becky Webber that has applied here for enrollment do you?
A That is my judgment, it is.
Q You don't know anything about it do you? A Well I understand
from what the examining is it is her.
Q Yes, but you don't know anything of your own knowledge? A Well
if she was before me I could state it was her.
Q Yes, but she is not before you, are you going to swear that the
Becky Webber you are talking about is the Becky Webber that has
applied for enrollment? A I don't know no other one.
Q Is the Becky Webber that you are talking about the Becky Webber
that has applied for enrollment here? A Well in my judgment it is.
Q What makes you judge it? A Because I don't know any other.
Q Do you know all the Becky Webbers in this country? A No sir,
Q It might be an entirely different Becky Webber? A If it was her
sons wouldn't be, they would have different names.
Q Are you arguing this case or testifying? you just answer plain
out that you don't know whether the applicant is the one you knew
up there in Kansas or not, do you? A Well, I do.
Q Do you? A I think she is the same woman.
Q Why? A Why.
Q Yes; have you ever seen the applicant, the woman that applies
here as a Cherokee citizen? A I have not seen her lately.
Q You don't know that she is the one you saw in Fort Scott do you?
A Not unless I see her. Of course I couldn't see her.
Q That you are not going to swear that she is the same one are you?
A Yes sir.
Q How do you happen to swear that? A Because, her name is here
in the list.
Q Maybe it is some other Becky Webber? A I don't think it is.
Q Why don't you think it is? A You aint asked me about any other.
Q Not talking about that; do you know the Becky Webber that has
applied for enrollment is the one you knew in Fort Scott? A Yes sir.
Q Were you here when Becky Webber made her application? A No sir.
Q Did you ever see the woman before the Datas Commission? A No sir.
Q How could you swear that she is the one you knew? A How could
I know the boy.
Q Then you swear that she is the one you knew in Fort Scott, do you
swear it? A Yes.
Q Why do you swear it? A Because she is the one they are asking
me about.
Q Not talking anything about your asking you anything; I am
talking about your, what you know as to whether she is the one you
knew in Fort Scott; go ahead and explain yourself? A I think I
have explained it.
Q You swear that is the woman you - the one that applied for citi-
zenship is the one you knew in Fort Scott, and you have never seen the
woman that applied here, is that right? A I saw her in '92.
Q Have you ever seen her since she applied or at the time she ap-
plied? A No, not since I have.
Q When you swear positively that she is the same one you knew up
there in Kansas do you; yes or no? A Yes.

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- Q Yes, she is the one, you say; you want it to stand that way?
 A Yes sir.
 Q Where is she now? A I don't know.
 Q Where does she live? A I don't know that.
 Q When did you last see her, the woman you are talking about?
 A I think it was about in '92.
 Q Never heard of her since that time? A I never heard of her until to-day.
 Q Where did she go from Fort Scott, she left you said didn't you?
 A I said she went to Colorado.
 Q The woman you are talking about went to Colorado? A Yes, but she came back.
 Q How do you know? A Because I saw her.
 Q Where did she go the second time? A I don't know.
 Q You don't know where the woman went, north, south, east or west from Fort Scott do you? A No, not the last time I saw her I don't.
 Q You know whether she is in the Indian Territory or not? A No I don't.
 Q Then how do you swear she is the one that has applied here? A How do I?
 Q Yes. A (No response)
 By Mr. Mallette: I will withdraw that question.
 Q Now where was Becky in '78? A I don't know.
 Q You didn't see her in '78 did you? A Not, to my knowledge I didn't.
 Q She might have been down in the Territory in '78? A She might have and I wouldn't have known it.
 Q You don't pretend to have kept track of her all the time? A No sir.
 By Mr. Hastings:
 Q The Becky Webber you know had a son named Ellis? A Yes sir.
 Q And a son named Lewis? A Yes sir.
 Q And she had two daughters that you have mentioned? A Yes sir.
 Q Is that the way you identify this woman and her family? A Yes sir, that's exactly it.
 Q Did you miss this woman from '70 to '88? A O yes sir, in between that time she left there; the Pacific road was built along by there where she had a little piece of property, and that is the way I first find the thing, and I think during the time the Pacific Road bought that property.
 Q And then she left there? A Yes sir.
 Q About what time was the Pacific road built? A Well I think it began along about '81 or '8, somewhere along there.
 By Mr. Mallette:
 Q Where was Lucia Webber in '78? A I don't know.
 Q How? A I don't know.

Elizabeth Davis, being first duly sworn and being examined testified as follows:

By Mr. Hastings:

- Q What is your name? A Elizabeth Davis.
 Q What is your age, Mrs. Davis? A 87.
 Q I believe you have testified that Fort Scott has been your postoffice since '83? A '85.
 Q You live there now? A Yes sir.
 Q Do you know a colored woman up there by the name of Becky Webber?
 A Yes sir.
 Q Did you know any of the members of her family? A I was not personally acquainted with the members of her family, but she has a boy named Ellis and I know a daughter named Lucia and Arlie; that is all I knew of the children; all I ever saw of them.
 Q Where did this woman live? A She lived over in, they called it Food lot; the Pacific Road built right through her place and part of her lot.

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Q When did you first learn to know her and her family? A Well knew her in '34 and '31.

Q How long did you continue to know her? A Oh, I knew them until up in the year 1880.

Q Ever do any work for you? A No, no, no, she never did any work for me.

Q She own property up there? A Yes sir. She worked at the Wilder House, a hotel.

Q You know when Ellis left there? A No I couldn't say, left there quite a while after the railroad went through there.

Q This woman had a son named Lewis, did she? A I don't know, I know Ellis, that's all I know.

By Mr. Hallette:

Q Where was Becky Webber in '66, Mrs. Davis? A I don't know, but I think she was in Fort Scott, she had a home there then.

Q You don't remember back now seeing her in any particular year can you? A No, I remember seeing her though every year and often, she visited a colored lady that lived close to me often there.

Q You didn't keep close watch on her did you? A No, I had no occasion to keep close watch on her.

Q You just paid much attention to her as you would ordinarily pay to a colored family in the neighborhood? A Yes, she was a nice, good woman, and a woman that everyone liked.

Q When were you first talked to about this matter? A I have never been talked to about it yet.

Q Nobody ever mentioned it to you until you come on the stand here?

A I think some one did say something to me to-day.

Q You didn't know when you came down here that you were going to be asked about Becky Webber? A No.

Q And you never thought anything about Becky Webber particularly? A No.

Q As a matter of fact they told you to-day about Becky Webber and you remembered back 38 years? A It has not been 38 years since I saw her, I remember her very well, and very distinctly.

Q You know whether she came to the Cherokee Nation, the Indian Territory during the time you know her, in Fort Scott? A I don't know, I know she went to Colorado once for her health.

Q She went to Colorado, but you don't know whether she went to the Territory or not? A No sir, I do not.

Minerva Runyon, being first duly sworn and being examined testified as follows:

By Mr. Hastings:

Q What is your name? A Minerva Runyon.

Q What is your age? A 48, I am in my 48th year.

Q Postoffice Fort Scott? A Fort Scott.

Q How long has Fort Scott been your postoffice? A Since '62.

Q Did you know a colored woman named Becky Webber? A Well, I, just slightly, yes.

Q Did you know her family? A Well some of the children I know.

Q You remember any of their names? A There was Linda and Ellis, I believe that's all the names I can call, they never lived in our neighborhood, although I knew where she did live.

Q Where did she live? A She lived in a little, well they call it Toad-lops.

Q How long did she continue to reside there? A It was sometime in the '70's, I couldn't say just what time.

Q Number of years after the war? A Oh yes.

Q Did you see her frequently? A Oh I would see her frequently on the street.

Q You never missed her there for several years after the war?

A No sir, I never missed her for several years after the war.

Q She had a son named Ellis? A Yes sir.

Q And a daughter named Lucinda? A Yes sir.

Q You remember Lewis? A Well I couldn't say that I do remember Lewis now.

By Mr. Hallett:

Q You say you last saw Becky Webber sometime in the '70s?

A Yes sir.

Q You mean by that she left there sometime in '70s?

A No, I don't say she did leave there, I couldn't say that.

Q You do 't know whether she did or not? A No I didn't see her enough to know.

Q Where was she in '68? A I couldn't tell you.

Q Is it a fact that she lived there up until '68? A I couldn't tell you that.

Q If she did you don't know anything about it? A I don't know anything about it.

Q Have you lived there up to this time? A I have lived there up to this time.

Q You haven't seen Becky Webber living there then since sometime in the '70s? A Sometime in the '70s.

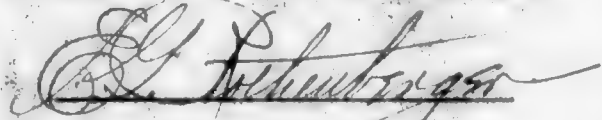
By Commission: This testimony will be filed and made a part of the record in the following Cherokee Freedmen cases: D-464, and D-435, D-554, and the case of Bar.

I, M.D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.
(signed) M.D. Green.

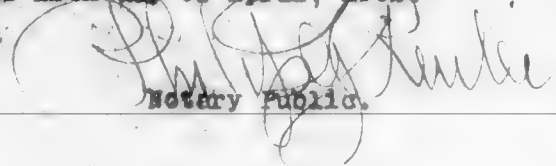
I, A. R. Cheever, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing copy and that the same is a true and complete copy of the original manuscript.

A. R. Cheever.

I, the undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes that I made the foregoing copy and that the same is a true and complete copy of the copy made from the original manuscript.



Subscribed and sworn to before me this 13th day of April, 1903.



Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 14th, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Russell Henderson as a Cherokee freedman, introduced on part of the Cherokee Nation:

Appearances:

Mellette & Smith, Vinita, I.T., Attys. for applicant.
W. W. Hastings, Cherokee Representative.

ELIZABETH DAVIS, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HASTINGS:

- Q What is your name? A Elizabeth Davis.
Q What is your age? A 57.
Q What is your postoffice? A Fort Scott, Kansas.
Q How long has that been your postoffice? A Since '63.
Q Do you know a colored woman up there by the name of Rachel Webber? A Yes sir.
Q When did you learn to know her? A I knew her in '60, about '68 along until the seventies.
Q Did she ever marry? A She married a man by the name of Ed Henderson.
Q How long did she live with him? A I don't know how long she lived with him, she had two children.
Q You don't remember the names of those children?
A No sir, I just know of them and that is all.
Q What did Ed Henderson do there?
A He was a barber; he was a barber there when I first went there, the only barber there was in town.
Q Did he move away from there? A Yes sir, he lived there until he was put in the penitentiary.
Q Is he in the penitentiary now? A Yes sir, he died in the penitentiary.
Q Did you see this Rachel Webber there like you did other people? A Yes sir, I have seen her passing around.
Q You know of her marrying Ed Henderson?
A Yes sir, having those babies, two of them, and know of them separating, but I don't know the dates; I never paid enough attention to it to know about that.
Q That was after the war? A That was in the seventies.
Q When they separated? A Yes sir.

MR. MELLETTTE:

- Q What year did you last see Rachel Webber? A I don't know what year I saw her last, but it was in the seventies.
Q Now what time in the seventies, you know the seventies extend over a period of ten years? A It was in '71.
Q Do you swear it was in '71? A (no response)
Q Are you positive about that? A I am positive it was in '59 or '70.

- Q Where were you first spoken to and asked what you knew about this witness Webber? A I was first spoken to about it yesterday.
- Q Yesterday, now then it has been 30 years since you first saw her hasn't it? A No sir, it hasn't been 30 years, I don't think.
- Q How long has it been since you saw her? A I saw her in '75 or '6, somewhere along there.
- Q Now which was it '75 or '76? A Well, it was either one or the other.
- Q Now you don't know which one, do you? A No sir.
- Q That has been 25 years ago; is there any particular reason you had to know this woman? A No sir, only I read in the papers of the separation.
- Q She was a colored woman? A Yes sir.
- Q You didn't pretend to keep track of where, her whereabouts all the time, did you? A No sir.
- Q Where was she in the year '67? A I don't know.
- Q Do you remember of seeing her in that year? A No.
- Q Where was she in the year '66? A I don't know where she was, she was there though.
- Q As a matter of fact it is impossible for you to remember back 30 years and know a particular year when you did or did not see this woman? A I know that they were there; and that they lived there in the sixties and seventies.
- Q Well now the sixties and seventies extend over a period of 20 years; you mean a portion of that time they were there?
- A Yes sir, I mean that they were there and lived there and had their residence there.
- Q You don't pretend to say that this woman did not come down to the Cherokee Nation during that time, do you? A No sir.
- Q You don't know what she did do; you said awhile ago you saw her passing and repassing? A Yes sir; and I say I know of her marrying Ed Henderson.
- Q Well, did you have a personal intimate acquaintance?
- A No sir, I don't know as I ever spoke to this woman.
- Q You don't know that you ever spoke to this woman; 30 years now you go back and say -? A Yes sir, I know of this woman and know of her marrying Ed Henderson and separating and having two babies; you know these things was in the papers.
- Q Do you know Ed Henderson was her husband? A Yes sir.
- Q I will ask you if Rus Henderson was not her husband?
- A No, he was not.
- Q You are certain of that? A Yes, I am certain of that.
- Q What makes you remember that; you had never spoken to this particular woman? A I had never heard tell of Rus Henderson.
- Q Now do you say that this woman Rachel Webber is that one you have been talking about? A Yes sir.
- Q Do you swear that she married Ed Henderson? A I swear that she pretended that she was; what they said, that she married him.
- Q When did you hear that? A I heard it in I suppose in about '69.
- Q Well do you remember that it was in '69? A I can't keep the dates.
- Q Did you know Ed Henderson? A Yes sir, I knew of him, I seen him in his barber shop every day.

- Q Were you acquainted with him? A No sir, only that he was Ed Henderson and kept a barber shop there.
- Q Why should you remember that it was in 1869 that they married?
- A I don't know why I should remember, I do though.
- Q You swear they married in '69? A It was somewhere in '68, '69 or '70.
- Q Then you allow yourself a considerable wide range?
- A Yes sir.
- Q This is the third case you have testified in since yesterday, isn't it; identifying freedmen as living in Fort Scott, Kansas? A Yes sir, and they lived there too.
- Q And you are trying to identify a woman here with this woman you never saw there?

Mr. Hastings: You have got the right to cross-examine the witness; you have got no right to argue the case with her.

- Q Did you know anything about Martha Gales, a colored woman, that lived up there? A Yes sir.
- Q I will ask you if Martha Gales didn't marry Ed Henderson?
- A Yes sir, he lived with Martha Gales quite a while.
- Q When? A He lived with Martha Gales in the sixties, from '65 I guess until '68 or '9.
- Q I will ask you if he was not married to her when he was sent to the penitentiary? A No he was not.

MR. HASTINGS:

- Q You remember knowing this man when he lived with Martha Gales?
- A Yes sir.
- Q And after their separation he lived with this woman?
- A I knew him, very well acquainted with him, when he lived with Martha Gales, she was a hair dresser.
- Q And then after the separation he lived with this woman?
- A Yes sir, he married Rachel Webber.
- Q Did you ever miss Mrs. Rachel Webber from there until 1869 or '70? A No sir, I never knew of her coming away after the separation.

Mr. Mellette:

- Q You don't know whether she came away or not, do you?
- A No sir, I don't know when she came away; I know they separated. I read that in the papers.
- Q Where is Henderson? A He is dead, I heard the other day.
- Q When did you hear that? A The other day.
- Q How long ago? A Week or two ago.
- Q You swore when you were here before he was living?
- A No, I swore he was at Fort Scott; I didn't know then he was in the penitentiary.
- Q Didn't you swear on the 17th day of February, in the case of Martha Gales, that this man Henderson was living at that time? A No, I didn't swear he was living, because I didn't know; they asked me where he was and I said in Fort Scott the last I knew of him; since I went there I heard he died in the penitentiary.
- Q Now, say if you give this testimony in the case of Martha Gales what became of Henderson? He is there yet? Did you swear that in the Martha Gales case? A I guess I did; because I thought he was there.

- Q Are you swearing what you know or what you think?
A How do you know it unless you think?
Q What made you swear he was there if he was not there?
A Because I supposed he was there?
A Are you swearing by what you know or what you suppose?
A He was there the last of what I know.
Q You said he died in the penitentiary? A Yes.
Q You didn't know when you swore that Ed Henderson was up there whether he was or not? A No, I could not swear that my boy was up there.
Q You hadn't seen Ed Henderson there had you?
A Yes, I seen him not over three months ago.
Q Didn't you swear just now that he died in the penitentiary?
A Yes sir, he was sent up there last fall and I heard since I was here before that he was dead, and I read that in the paper, and that is the only thing I know about it.
Q You say Henderson is living up there yet? A Yes sir.
A Yes, what I supposed too.
Q I will ask you if a matter of fact he has not been dead three years? A I don't know.
Q You know Mrs. Davis, whether he has or not; if you seen Ed Henderson in the past three years? A Just let me think whether I have or not; I don't know. Ed Henderson was there on the corner, I never knowed anything about his going away.
Q Just answer my question, have you seen Ed Henderson within the past three years? A I can't say I don't know.
Q Did you say you saw him about three months ago?
A I know he aint been dead three years.
Q Did not you swear awhile ago that you saw him just before you came down here on the other case? A No sir, I didn't.
Q And didn't you swear in that Martha Gales case that Ed Henderson was living there yet? A Yes sir, because I supposed he was living there yet.
Q You are swearing by what you suppose? A That is the way everybody swears of course.
Q How many cases have you been a witness in down here?
A I guess three or four.
Q How many did you witness in when you came down here the first time, 17th of February? A Two I guess.
Q Then you have been a witness in three this time, havn't you?
A Yes.

MR. HASTINGS:

- Q Mrs. Davis, you knew Ed Henderson? A Yes sir.
Q And when you were down here before you hadn't missed him?
A No sir, I didn't know he was gone.
Q Your attention was not especially directed to the last two or three years? A No sir.
Q When you went back you made inquiries and found he went to the penitentiary? A Yes sir.

Mr. MELLETT:

- Q You hadn't missed him? A No sir.
Q If he has been dead three years you don't know? A No sir.

MINERVA RUNYAN, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HASTINGS:

- Q What is your name? A Minerva Runyan.
Q What is your postoffice? A Fort Scott, Kansas.
Q What is your age? A 48.

- Q Did you know a colored woman by the name of Rachel Webber who married Ed Henderson? A Yes sir.
- Q Did you know Ed Henderson? A I did.
- Q About when did you learn to know Rachel Webber? A Well it has been about seventy something or another, I just could not say.
- Q After the war? A Yes sir, it was after the war.
- Q Where did you know her? A In Fort Scott.
- Q When did you know Ed Henderson? A Well I knew him, it must have been in the '60s. I knew him before I knew her.
- Q Did they live together as husband and wife? A Yes sir.
- Q Do you remember how long they lived together up there as husband and wife? A No sir, I could not say.
- Q Do you know whether they had any children or not?
- A I know they had one.
- Q Do you know the name? A No sir.
- Q Born up there? A Yes sir.
- Q Do you know whether they continued to live together or whether they separated? A Well at the best of my knowledge they separated.
- Q What did Ed Henderson do up there? A He was a barber.
- Q Now, how long did you continue to know Ed around there?
- A Well I could not say just when in the sixties.
- Q You mean further on up the other way? A Well until his death.
- Q You understood he died? A Yes sir, I understood he died; I could not say positive for that, it was just through the paper I could not swear to that for I didn't see it.

MR. MELLETT:

- Q When did he die, Ed Henderson? A Well now, I could not just tell that.
- Q Well, how long ago, Mrs. Runyan? A If I remember rightly it was in the fall; in the fall or latter part of the summer.
- Q What year? A 1901 I think.
- Q Do you swear to that positively? A No, I don't swear to that positively.
- Q You saw it in the paper? A Yes sir.
- Q Well now, Mrs. Runyan, if you can't fix the time when Ed Henderson died, how can you go back thirty years and locate a colored woman with whom you weren't well acquainted?
- A Because they lived right there in the town where we did.
- Q I know, if you can't tell within a year when Ed Henderson died, how can you remember the time away back yonder in the sixties? A I don't believe he married in the '60s.
- Q When did you first see Rachel Webber? A When I first saw Rachel Webber it was in the seventies.
- Q What year? A I can't tell the year; best of my recollection it must have been '73, I know it was a few years before I was married, and we was crossing a little stream. Crossing the stream the plank broke and I went to her house and wrung the water from my clothes, and there was one child there at that time; there is where I got the one child from.
- Q Well now there is three years before you were married you went passing Rachel Webber's house and fell in the water?
- A Yes sir.
- Q And that was about three years before you were married?
- A Yes sir.
- Q And how long have you been married? A 26 years.
- Q And that was about 29 years ago? A Yes sir.
- Q Is that the Rachel Webber that is concerned in this case?
- A Well, that is a Rachel Webber.
- Q I ask you the question? A Yes.
- Q Answer it; I asked you if that was the Rachel Webber that is concerned in this case? A Well I don't know.

- Q How many cases have you been to witness here yesterday and to-day? A Three.
- Q You have identified certain freedmen that were living in the town of Fort Scott thirty years ago? A Yes sir.
- Q How old were you in 1870? A 1870?
- Q Yes? A I was about eighteen I guess.
- Q Were you acquainted with Rachel Webber? A Well not personally acquainted with her, no.
- Q Ever speak to her? A Yes sir.
- Q Well now when did you first see her, when did you first remember seeing her, what year? A I don't know.
- Q Where was she in 1866? A I don't know.
- Q Where was she in 1867? A I don't know.
- Q Where was she in 1868? A I don't know.

Mr. Hastings:

- Q Do you know that about three years before you weremarried you stopped in there and she had one child? A Yes sir.
- Q That is the same Rachel Webber that had Ed Henderson for a husband? A Yes sir.

I, J.O.Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes, that I correctly recorded the testimony and proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(signed) J. O. Rosson.

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, do certify that the above and foregoing is a true and correct copy of the original transcript.

(signed) Ella Mielenz.

Mabel F. Maxwell, under oath as stenographer to the Commission to the Five Civilized Tribes, states that she copies the testimony and proceedings had in this case and that the above and foregoing is a true and correct copy of a certified copy of the original transcript.

Mabel F. Maxwell

Subscribed and sworn to before me this 23rd day of April, 1903.

Edward Herrick
Notary Public.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAY 22 1902

ACTING CHAIRMAN

Filed with 912 246

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. April 29, 1902.

In the matter of the application of Lewis T. Brown, Com-
pellent as a Cherokee Freedman.

SUPPLEMENTAL TO D-94.

Applicant appears in his own behalf.
Cherokee Nation represented by J. S. Davenport.

SIMON SCALES, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Simon Scales.

- Q ~~Where~~ do you live Simon? A Live in Fort Scott.
- Q You live in Fort Scott Kansas? A Yes sir.
- Q How long have you lived at Fort Scott Kansas? A Well, near about 32 or 3 years.
- Q Well, did you go to Fort Scott, ~~KANSAS~~ or where was you living at the close of the war? A Texa.
- Q Did you go to Fort Scott Kansas, after the war closed? A Yes sir.
- Q Well after you went to Fort Scott, Kansas, did you ever get acquainted with any colored people up there by the name of Brown?
- A Yes, sir, I did.
- Q What was their names do you remember? A Got acquainted with a ~~man~~ man by the name of Tom Brown, we called him at that time; and then there was a nephew of his, a boy, and a son of his I think, and his wife.
- Q Well, what was his name, did you say? A He had one named, a boy there by the name of Pomp, and one named Tooster.
- Q Did you get acquainted with any of the girls or any woman folks of the family that was around there? A Yes sir.
- Q Do you remember what their names was? A They had one named Matt, they called her, Mat Henderson, and one named Stacie, I believe, I think she was.
- Q Now those parties that you have named, you don't know what relation they were to each other, do you? A No, sir, I don't.
- Q You know they were there connected some way, but what relation you don't know? A No, sir, I don't.
- Q Well now, how long after you went there did they remain there, did Pomp Brown remain there, the one you spoke of as being called Pomp?
- A Well I couldn't tell you the exact time that he remained there, but he stayed there awhile, and worked in a barber shop, and I don't know when he left because when I saw him he said he had been living down there at Chanute somewhere, and he come backwards and north, and he would come over to see me every time he come back. I got a boy and they was about the same age, and he would come over to see mine.
- Q Which left first, he or Mattie Henderson, as you know her? A I think Pomp left first, I know he did.
- Q How long did Mattie Henderson live there in Fort Scott in the neighborhood where you lived? A Well sir, I couldn't tell you how long.
- Q Did she stay there six months after you got acquainted with her, a year or two years? A Yes sir, she lived there about a year or two.
- Q And you went to Fort Scott after the war closed as I understand?
- A Yes sir.
- Q Do you know where Mattie Henderson, as you know her, finally went when she did leave there? A No, sir, I couldn't tell.

Q Have you ever seen her since she left there? A No, sir, I don't think I have seen her since she left there; I have heard her name, but I don't think I have seen her since she left.

Mr. Brown: What year did you go there to Fort Scott? A I went there in the year of '66 or '67; I think '66.

Q Wasn't it '64 that you went to Fort Scott? A No, I don't think it was.

Q Well, now, in reference to the time that Abraham Lincoln was elected when was it? A It must have been in '66 or '67, somewhere along there, wasn't it?

Q Well, I am asking you? A I never took no account of the time, but I kept account of it some way.

Q You was keeping account of it was you? A Yes sir.

Q Well now, with reference to the time Abraham Lincoln was elected, when was it that you went to Fort Scott? A I went there that fall, sir.

Q Same fall that Abraham Lincoln was elected, didn't you? A Yes, sir.

Q And these people about whom you have testified left Fort Scott about a year or two after you went there, didn't they? A I think they did sir.

MR. DAVENPORT: Simon, did you go to Fort Scott before the war or after the war? A No sir.

Q You went to Fort Scott, Mr. Brown didn't ask you as to Lincoln being elected twice, was it the first time or the last time Lincoln was elected that you went to Fort Scott? A Last time.

Q Where were you living when the war closed? A Texas.

Q Had you ever been to Fort Scott before that time? A No, Sir.

Mr. Brown: Well now you say the second election of Abraham Lincoln, wasn't you in Fort Scott that fall? A As I say I come the fall of the election.

Q The fall of the year when Abraham Lincoln was elected President of the United States for his second term you were in Fort Scott, were you not? A I come to Fort Scott that fall.

Q Now then you say you got acquainted with Tom Brown? A Yes, sir, I think his name was.

Q Who was Tom Brown? A That was a man, the head of a family, Ibbie Brown's husband.

Q What relation was Tom Brown to Pomp Brown? A Well now, I don't know; seemed like to me that Pomp, they told me that he was his uncle, that's what I heard, but I don't know any more than that.

Q Who told you that? A Seem like I heard Pomp call him uncle, and Pomp told me I think.

Q Now you say Pomp Brown was about the same age as your boy?

A Yes sir, they grewed up together.

Q How old is that boy now? A He must be near forty years old I suppose, my oldest boy.

Q Now about how old was— A I guess he's forty-one or two.

Q That's the same boy that you say was about the same age as Pomp Brown? A Yes, sir, I think; I took him for the same.

Q What year were you born uncle? A Oh, Lord, that's too far back, I couldn't hardly tell you, I could if I go home.—

Q In what year did the war begin? A I don't study any history at all.

Q In what year did the war close? A I don't know; sixty something.

Q In what year was your first child born? A Didn't pay no attention.

Q What year is this? A I don't know; didn't pay any attention to it.

Q In what year were you married? A I don't pay much attention to any such as that.

Q You don't know any thing about years, do you? A No, sir, I don't pay much attention to them.

Q Well now during the time that you say that Pomp Brown

lived in Fort Scott, Kansas, did he ever to your knowledge make a trip to the Cherokee Nation? A I couldn't tell you sir, whether he did, but I know he was going backwards and forth.

Q We are speaking about Pomp ~~is~~ Brown, not about Tom? A Well, I said Pomp, that's what you asked me, wasn't it?

Q Yes sir, how did he ever move away from there and tell you or any one in your presence that he was coming to the Cherokee Nation?

A I don't know as he did, because he would go backwards and forwards, and come by my house and see me.

Q What part of Fort Scott did you live in? A I lived on the west side of town, west side from Scott.

Q Live in the town or in the country? A Live in town.

Q Well, where was Pomp Brown in November, '66? A I couldn't tell you sir, couldn't tell you nothing about that. I never knowed numbers, and years, but Pomp would come and see me.

Q You don't know of your own personal knowledge that he was there during all this year and a half or two years that you speak of?

A Don't know he was there, don't know that two years that I speak of what two years that I spoke of explain it to me and I will answer to the best of my knowledge.

Q Just answer my question, didn't you testify awhile ago that they left there about a year and a half after you went there?

A No sir.

Q You didn't swear to that? A No sir.

Q You are positive that you didn't swear to that, just as positive as you are to any thing else you have testified to are you? A Well now you never ask me about two years and a half; if you did I didn't answer it; that's what's the matter. You must explain.

Q Didn't you state in your direct examination that these people about whom you are testifying remained there a year or two after you left? A Never.

Q After you went there? as you say, the same fall that Abraham Lincoln was elected? A I said I didn't know, I say I don't know when they left.

Q You didn't say that then? A I didn't say when they left, no, sir, I didn't say they left; I say I don't know how long they stayed, it might be a year or two; that's what I said; but I didn't say they left.

Q Now when you went to Fort Scott was Mat Henderson married?

A Yes, sir, she said she was married.

Q She was married when you went there? A That's what they said, she was.

Q You are positive of that? A I am positive they said she was

Q Well, they were living there together as a man and wife when you went there? A Yes, sir.

Q Well now during all the time that Pomp Brown remained in Fort Scott, Kansas, what did he do? A I think he worked at a barber shop some; I don't know what he did do.

Q About how old was he then? A I couldn't tell you his age.

Q About how old? A He looked to me like he might be 12, near 12 or 15, nigh as I could guess at now.

Q He was a minor? A Yes sir he was when I saw him.

Q In what year did you say that these people left there? A Well, sir, I don't know; I never said they left; I don't know.

Q Well, I am asking you now? A Well I say I couldn't tell you, the people had gone before I knowed; I lost track of them.

Q You don't know when you lost track of them first? A I didn't pay no attention; I knowed I saw Pomp Brown, he would come back an' forth.

CLIFTON T. RUOKER, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Clifton T. Rucker.

Q Where do you live Mr. Rucker? A Fort Scott.

- Q Kansas? A Yes sir.
- Q How long have you lived in Fort Scott Kansas? A Well, in the county, I have lived in the city about since, I have been there the last time about eight years.
- Q How long have you lived in the county in which Fort Scott is located? A 45.
- Q When did you go there to that county, about what year? A In '56, 7th day of October, '56.
- Q Were you living there at the close of the war? A Yes sir.
- Q Was there a town of Fort Scott then? A Yes sir.
- Q After the close of the war did you know a family of colored people by the name of Browns, in or near Fort Scott, Kansas?
- A Yes, sir, in Fort Scott.
- Q Do you remember the names of the family that you knew there?
- A Yes to begin with the parties that I first knew, I got acquainted with the one they call Edie Brown, we always called her that.
- Q Well any others of the family? A There was Mattie Brown, afterwards Mattie Henderson, known as Mat Henderson, then there was another one that they called Susie Brown, I believe; and then Pompie Brown, I don't know whether Pompie was--
- Q Boy or girl? A Boy, Pompie. And Toostie Brown, I suppose that's a nickname, I never knowed him by any other name.
- Q Well now, when was it you first got acquainted with that family with reference to the close of the war, before or after?
- A Only by hear say until '68; '68 I knew them personally; the summer of '68.
- Q Where were they living in the summer of '68 when you personally got acquainted with them? A In Fort Scott, down on-- near First and Walker street, south of First street.
- Q Was Pomp Brown living there then, the boy that you knew or men that you knew there? A Yes sir, he was a boy, a young fellow, he resembles this fellow (indicating Lewis T. Brown, the applicant), only he was heavier, stouter built, I remember the boy well enough.
- Q Now you say Mattie married up there, Mr. Rucker? A Henderson said to have married, that was the report.
- Q What did Henderson do? A He was a barber by trade.
- Q Did you know Pomp after he grew up, and was grown or about grown?
- A Well, I knew he was about, I would suppose, about fifteen years old, the last time that I remember, 15 or 16 years old, the last time I saw him I would take him to be that. I knew him in '68 or '9
- Q You never saw him after that time? A I don't know as I did after '70.
- Q Well when was the last last time that you knew Mattie Henderson or Mattie Brown lived there? A She lived up there till '73 I believe, somewhere along there.
- Q Do you know whether this Aunt Ebie which you speak of, when did she ever move away from there? A Well I was told she did; I don't remember; she used to work at the Wilder House.
- Q ~~Yes~~ What was that, a hotel? A Yes sir, a hotel, known as the Wilder House.
- Q You don't know what relation these parties were to each other do you? A I don't know, I suppose he was old aunt Ebie's son, a great many would call her aunt Ebie, some of them, so Aunt Ebie ~~is~~ that was generally the word that passed.

MR BROWN: Mr. Rucker, how do you fix the date that you first became acquainted with I Pomp, who you say was 14 or 15 years old

A Well I would judge from appearance that he was at that age, I was around in the family, I had business there as an officer in the neighborhood, in that vicinity, with some of the colored folks,

there was papers executed about that time, and I met him on the street and they called him Pompie.

Q Do you remember all of the boys fourteen or fifteen years old that you met thirty-two or three years ago? A Why no, not all of course; I could form an idea.

Q You never knew these people until '68? A No, sir, only by hearsay, I heard that Aunt Ebie—

Q We just want the facts. You never knew of them until '68?
A No, sir.

Q And you say in '72 that Mat Henderson left there? A I couldn't say when she left there.

Q Well, about that time? A That was about the last time that I remember of knowing, meeting her, I would just be in the barber shop there.

Q You don't know where they were in '65 or '7, do you, of your own personal knowledge? A No, sir.

J. L. NEWBURY, being first duly sworn, testified as follows:

MR. DAVENPORT: What's your name? A Newbury.

Q What is your first name Mr. Newbury? A J. L.

Q What is your age Mr. Newbury? A 65

Q Where do you live? A Fort Scott.

Q How long have you lived at Fort Scott, Kansas? A Since '61.

Q Since you have been living at Fort Scott Kansas, did you get acquainted with a colored family by the name of Browns, lived there in Fort Scott? A Yes sir.

Q Do you remember the names of any of the family, Mr. Newbury?

A Why I know Hobie Brown.

Q Well, any of the rest of the family? A Mat, Mary and Susie and Pomp, and old man Tom Brown.

Q Well, now do you know of your own knowledge as to what relation these people were, whether they were father and son or daughter and aunts or uncles? A No, sir.

Q Now you knew Pomp, you say, there, Mr. Newbury? A Yes sir.

Q How long did Pomp remain there after you got acquainted with him, or about how long? A About three or four years.

Q When did you first get acquainted with him? Mr. Newbury, about what year? A In about Sixty—well, I can't tell, about '65 or '6 along there, I knew the boy running around, was a boy, and I knew him as he grew up.

Q Do you know what he followed as he grew up to manhood, or whether he had any profession or calling or trade? A Why he used to work around the barber shop.

Q Well now you spoke of Mattie, do you know whether she ever married up there or not? A Claimed to be.

Q Do you know what the name of her husband was? A Ed Henderson.

Q What did Henderson do? A He was a barber.

Q Then, if at all, did Henderson ever move away from Fort Scott?

A Yes sir.

Q About when did he leave there, if you remember, about what year?

A About five or six years ago.

Q When did Mattie, the wife of Henderson, leave there or move away from there, if you know, Mr. Newbury? A She moved away anywhere from '75 to '75.

Q Do you know whether or not they kept house there in Fort Scott?

A Yes, sir, they kept house.

Q Did you know the old lady that was in this family, Aunt Ibbie?

A Yes, sir.

Q Do you know whether she worked any place up there for a number of years? A Worked at the old Wilder house for a number of years.

Q After Pomp Brown went away from there did you ever see him? A Yes, sir.

Q Where did you see him? A In Chanute.

Q In Kansas? A Yes, sir.

Q About how long after he had left there did you see him?

A I can't place the time that he left there; but I see him in '72 in Chanute, Kansas.

Q What was he doing at that time? A He was running a barber shop.

Q Did you recognize him as being the same man? A Yes, sir.

Q Did you have any conversation with him at that time? A Yes, had a long talk.

Q You knew him to be the same Pomp Brown that you had known at Fort Scott? A Yes, sir.

Q Have you ever seen Mattie Henderson since she moved away? A I think not, sir.

MR. BROWN: In what business are you engaged, Mr. Harbury?

A No, sir.

Q Yes, sir. At present I am in the real estate business.

Q What business were you in right after the close of the war?

A Restaurant business, hotel business.

Q You don't know whether it was '65, '66, or '7, that you first became acquainted with these people? A Well, I know Aunt Ibbie in '64 quite well, but I didn't know these children.

Q Aunt Ibbie isn't the one; now we are just talking about Mat Henderson and Pomp Brown? A Well now—

Q You don't know when it was that you first became acquainted with Pomp Brown, do you? A No, but I think it was in '66 or '67.

Q Now you can't swear where Pomp Brown was every month in those years, can you? A No, sir.

Q There was nothing to attract his being there on your mind was there at that time? A Oh yes, there was something to attract his being there on my mind, because I knew the boy.

Q I mean every month of the year; you didn't keep close watch of him to see him? A No, sir.

Q You don't know where he was in the month of November, '66, do you? A No, sir.

Q Now you don't know where Mat Henderson was during that month in that year, do you? A No, sir.

Q Of your own personal knowledge? A No, sir. But I never missed that there; she was a barber.

Q She could have been out of town for a month or two months, without your knowledge, couldn't she? A No.

Q Now in what portion of the town did these people live? A Which one are you speaking of, Mat Henderson?

A Mat Henderson. A Well she lived pretty well in the center of the town, run a barber shop.

Q Where did Aunt Ibbie Brown live? A She lived at the old Wilder House, a block and a half away from them.

JACOB RODECKER, being first duly sworn, testified as follows:

Mr. DAVENPORT: What is your name? A Jacob Rodecker.

Q Where do you live? A I live at Fort Scott, Kansas.

Q What is your age? A My age is 61.

Q How long have you lived in Fort Scott, Kansas? A I have been up there thirty-six years. I came there in '66.

Q '66? A Yes, sir.

Q Since you came to Fort Scott, Kansas, did you get acquainted with a colored family by the name of Brown? A I did.

Q Do you remember the older ones' names? A Well, Tom Brown, he was a blacksmith there, and there was one we called Aunt Ibbie, she worked at the hotel there.

Q What hotel did she work at? A At the Wilder House.

Q Well do you remember any of the other ones of the family or the other ones that went by the same name? A Well there was Pomp Brown there, and I believe there was one there, she was married to Henderson, Mat Brown, and then there was one, Toastie, and I didn't know the older— yes, there was Bill Brown there, but I don't know whether he was a son of hers.

Q You don't know what relation any of them were? A I always did suppose that Pomp was the son of Aunt Ibbie; she called him a ~~mat~~ boy.

Q And that is the only information you had as to what relation?

A Yes sir.

Q It was just simply from the fact that he was there and —

Mr. Brown: Question objected to as leading.

MR. DAVENPORT: Now you went to Fort Scott in '66 as I understand, Mr. Rodecker? A Yes sir.

Q Well now how long did you continue to know Pomp Brown in the town or near the town of Fort Scott after you went there? A I think I got acquainted with him in '67 and '8, after that he left the town, but he came back occasionally you know. I know during that time he was at the store there; at one time he told me it was Parsons and another time he told me he was at Humbolt.

Q What did he follow after he grew up if you know, Mr. Rodecker?

A Well, I think if I am not mistaken he told me he was a barber. When I first knew him he worked for a stable in Fort Scott.

Q What did Mattie do, if you know, what kind of work did she follow? A Well, when I got there in '66, I believe it was the first shave I had, I went in there at the barber shop she shaved me.

Q Do you know whether or not she married? A Yes, sir, she married Ed Henderson.

Q What was Henderson's trade? A A barber.

Q Well now when did Mattie move away from Fort Scott, Kansas, as near's you can get at it? A I couldn't say positive; I suppose she continued to live there to the best of my knowledge I think five or six years afterwards, that was '78 or around there somewheres.

Q Which went away first she or Pomp? A Pompie went away first.

MR. BROWN: You didn't know Pomp Brown until the years '67 or '8, did you? A '67 I think it was. I ain't positive; I come there and he might have come in the store, but I didn't know Mr. Pomp Brown at that time.

Q Now it's been a long time ago, hasn't it? A Yes sir.

Q And it might have been a little later than that that you first got acquainted with him? A No, I don't hardly think so.

Q You might have got acquainted with him in '66 or earlier; you don't know where he was in November, '66, do you? A No, sir, I can't say positive, I don't know.

Q Nor can you swear positively where any of these people were about whom you are testifying all during that month, can you?

A I can, yes, sir, I can swear positive to some I think.

Q Well now to whom can you swear positively? A Well, I would have her shave me, Mat Henderson, and I'll tell you why. Just let me relate to you about that. They had a way, they had two boys working there, and the only way they could tell, the way they kept their books was merely by marking, they put down a mark like that and it represented a shave, they made another mark up that way that represented a haircut, and then they would make one like that that represented a shave, haircut and shampoo. Well now I went there and figured that up at the end of every week, and that's the reason I know positively. I used to take those papers, and she told me what they represented and I would figure up.

Q Well, now Mr. Rodecker who shaved you in '73? A I couldn't say positive.

Q Who shaved you in '79? A '79, a man by the name of Smith.

Q In '75? A Smith, up to '72 after I got married.

Q Up to '71 or '82? A '72, I started in with Smith, and there was a barber there that worked for Ed Henderson or near them there, and he opened a shop and I went there; that might have been in '71 or it might have been in '70, by the name of Joe Shelby, he opened a barber shop and I went to his place.

Q You are not positive then as to what years different people shaved you, are you? A Oh, I can swear positive that I got shaved in Mr. Henderson's shop three years there from '66 to '69.

Q That is in Mr. Henderson's shop? A Where Mat Henderson worked, yes sir.

Q She worked there every day during those years? A I couldn't say whether she was, but she was there nearly every time I went there to get shaved, two times a week.

Q Did you ever go there when she wasn't there? A I couldn't say positive, but I suppose I have.

Q Do you know how many times you ever went there and she wasn't there? A No, sir.

Q Do you know where she was when she wasn't there? A I couldn't say.

MR. BROWN: The applicant requests testimony introduced on the part of the Cherokee Nation in this case to be stricken from the record for the reason that he is a descendant of the persons whose name appears upon the authenticated roll of 1880 and the decree of the United States Court of Claims under which this Commission is making a roll, as well as the instructions to this Commission on the same, strictly prohibits the introduction of any testimony tending to disprove the citizenship of any person whose name appears upon that roll; and for the further reason that in the years '66, '7, '8, and '9, about which these people have been testifying, Pomp Brown was a minor, and the record of this Commission shows in the matter of the application of his mother, Rose Milton, that she was here in the Cherokee Nation at that time and is upon the authenticated roll of 1880.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-292, D-293, D.-256 and D-94, the case at bar.

CLIFTON T. RUCKER, recalled, further testified:

MR. BROWN: You are the same gentleman that testified in this case just a while ago, are you not? A Yes sir.

Q You have done a good deal of work in the way of getting testimony—

MR. DAVENPORT: I object to that because it is not brought out in any part of the examination in chief in this case, and he has no right to go into it.

COMMISSION: Objection will be noted; answer the question.

MR. BROWN: You have taken a great deal of interest in securing testimony against these people, haven't you? A I don't know whether it would be called a great deal of interest; I have taken it to such an extent that I would give in the names, and what they could find out, and I have endeavored to find the parties that did know.

Q You have went to people and ask them what they knew about this case, haven't you? A Yes, sir, I inquired what they knew.

MR. DAVENPORT: In inquiring of the people what they knew about this latter did you ask any of them to purger themselves, Mr. Rucker? A No, sir.

Q Did you ask any of them to swear that the Browns lived there in '66 when you knew they didn't? A No, sir.

SIMON SCALES, recalled, further testified:

MR. BROWN: Mr. Scales, who first ask you what you knew about Tom Brown and his family? A Mr. Rucker asked me did I know; I told him yes.

Q He is the same Mr. Rucker that testified in this case just now, is he? A Yes sir.

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Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 1st day of May, 1902.

Philip G. Reuter.
Notary Public.

I, Margaret Crutsinger, as stenographer to the Commission to the Five Civilized Tribes do solemnly swear that the above and foregoing is a true and complete copy of the original transcript.

Margaret Crutsinger

Subscribed and sworn to before me on this 1st day of May, 1902.

Philip G. Reuter
Notary Public.

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THE INTERIOR
AND CIVILIZED TRIBES
1902
ACTING CHAIRMAN

...

File with P.D.256, Ella J. Hill.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, T. T., MAY 29, 1902.

In the matter of the application of Lewis T. Brown for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO D-94.

Appearances:

Applicant in his own behalf'
W. W. Hastings for Cherokee Nation.

Joseph Rucker, being first duly sworn, testified as follows:

MR. HASTINGS:

- Q What is your name? A Joseph Rucker.
Q What is your age? A 65 the 10th of October.
Q What is your post-office? A Chanute, Kansas.
Q How long have you lived at Chanute, Kansas?
A Well I have been living there 26 years past.
Q I will ask you if you know the applicant there, Mr. Brown, L. T. Brown? A Yes sir, I knowed him before he could walk.
Q Where did you know him? A In Chanute.
Q Did you know his father? A Yes sir.
Q What was his name? A Samuel Brown.
Q Did you know his mother? A I did.
Q What was her name? A Amanda Brown.
Q When did you learn to know them? A Well 26 years ago.
Q Where were they living then? A In Chanute, Neosho County, Kansas? A Kansas, yes sir.
Q They have a home of their own? A Yes sir.
Q How far did you live from them? A Oh, well, I lived probably 200 yards.
Q 200 yards? A Yes sir, probably further; I don't know, but seed each other every day more or less.
Q How long did you continue to know the applicant there?
A I knowed him evry since, well I guess about as near as I can remember, about-
Q Well I mean, how long did you continue to know him there?
A Knowed him till he left.
Q About how long was that from the time you commenced to know him until he left? A About five or six years.
Q You knew him about five or six years? A Yes sir.
Q Who was he living with? A Living with his mother, mother.
Q Mother and father continue to live together? A No sir, he had quit and went to Fort Scott.
Q Father did? A Yes sir, had an aunt over there in Cherryvale.
Q Did his mother continue to live there? A Yes sir, she did awhile, she went to Fort Scott.
Q Take Buddie with her, Mr. Brown? A Yes sir.
Q Did you ever see them ever at Fort Scott? A No sir.
Q Did you ever see them after they went over there? A Yes sir, I seen his mother, never seen the children; I seen their mother.
Q Where did you see her? A She came back to Chanute.
Q They lived at Chanute five or six years after you went there?
A Yes sir.

- Q And you went there 26 years ago? A Yes sir.
- Q You say they owned property, the house they lived in? A Yes sir.
- Q What did his father do? A He was a barber.
- Q He was a barber, was he? A Yes sir.
- Q Did he ever go by the name of Pomp Brown? A Yes sir, pretty near all the boys called him that.
- Q Right name was Samuel? A Yes sir.
- Q Did Mr. Brown have a sister? A Yes sir.
- Q What was her name? A Ella.
- Q How old was Mr. Brown when you first remember of seeing him?
- A Well I'll declare, he was so ugly I don't know; I guess as near as I can remember he must have three or four years old; my judgment that he would be that, but he was a cute little fellow, he was ugly though.
- MR. BROWN: You went to Chamute in '78 did'nt you Mr. Bucker?
- A '78?
- Q Yes sir. A I suppose I did, yes sir, I think so; it's been 26 years.
- Q Well that would make it '76, would'nt it? A Yes sir.
- Q You say you first got acquainted with me at the time I was three or four years old? A It looks to me like you was, Buddie; you was pritty near as thick as you was tall.
- Q Where was I born? A God knows, I could'nt tell you; I am honest about it.
- Q Where was my sister Ella born? A I could'nt tell you that either.
- Q How long did I and my sister live in the State of Kansas?
- A Well, so far as I know you lived there five or six years, I knowed you.
- Q Well now you say that Pomp Brown, after he had lived in Chamute five or six years, went to Fort Scott?
- A I don't know how long he stayed there you know.
- Q You said he went to Fort Scott? A Yes sir, and the next thing now, let me tell you; he sent me a stone to put up at his baby's head from Fort Scott, and I never heard of Brown any more till I heard he was dead. He sent it to me and I got it.
- Q Where was Pomp Brown and his family prior to '78? A Well, I guess they must have been in Kansas, wer'nt they?
- Q Well, were they? A I could'nt really tell you unless they was in Chamute.
- Q Were they in Chamute before you got acquainted with them? A That is more than I can tell you, where they was before I got acquainted with them.
- Q Where was Pomp Brown in the fall of '88? A I could'nt tell you; I am just telling what I know. I am not guessing at anything.
- Q You and Pomp were great friends? A We was good friends, yes sir, good friends till to-day.
- Q When was it Pomp Brown went to Fort Scott? A Well he went there after he went to Chamute, as I tell you I was acquainted with him five or six years; he went to Fort Scott, and he sent me that stone over and then I never seen him any more since till I heard he was dead.
- Q What became of this property that you say they owned there?
- A He sold that to, sold it to, I'll tell you, old man Scott, Scott Beattie bought his property, bought it from him and paid him cash for it.
- Q You knew nothing of this family until '76? A Yes sir, that's correct.
- Q How did you happen to be down here? A Well, let me tell you if you want to hear the truth; I love the truth; I was appointed to come down here to see, to testify, did I know the Beacham girls; I am a

man that tells the truth: how long I knowed them.

Q When was you appointed? A Oh, its been a week or such a matter.

Q You have got your appointment with you? A He sir.

Q Have you got it with you? A No sir, I have not.

Q Who appointed you? A I could'nt tall the man.

Q White man, colored man, or Indian? A White man.

Q What did he tell you his business was? A He wanted to know, he questioned me did I know the Beecham girls.

Q Well what did he tell you his business was when he appointed you?

A He wanted me to come down to testify if I knew them.

Q And you told him you would do it? A I did; that's right, he asked me to come.

Q Did he tell you what his business was? A No, only that.

Q Did he tell you whether or not he was an officer? A He did'nt, and I did'nt ask him'

Q Did he tell you that you were to come to testify for or against these people? A No, only that the girls, for the two girls; I am honest about that.

Q When was you first spoken to about what you knew about Pomp Brown? A Oh, I don't know, he just asked me there then.

Q Just when? A This gentleman asked me awhile ago; that's--

Q That's the first time you ever been asked what you knew about it?

A Yes sir.

Q You was'nt asked about it before you came down here? A No sir.

Q Mr. Hastings did'nt know that you knew Pomp Brown in Kansas, until you took the stand, did he? A No sir, I don't think he did.

Q What was offered you for coming down here and testifying?

A Never gave me no offer at all.

Q What did he say you would get? A Did'nt say I would get anything.

Q Did you buy your own ticket? A Mr. Brown, you oughn't to ask me so many questions, No, the man bought it.

Q The man bought it? A Yes sir.

Q Sent you down here? A Yes sir.

Q What did he tell you you would get? A He did'nt tell me what.

Q You did'nt know whether you was going to get anything or not?

A No sir.

COMMISSION: This testimony will also be filed in the case of the applicant's sister, Ella J. Hill et al., D-256, who is represented by Lewis T. Brown.

MR. BROWN: Comes now the applicant and moves the Commission to strike from the record in this case all of the testimony introduced this day by the Cherokee Nation tending to disprove the citizenship of the applicant for the reason that he is a descendant of a person whose name appears upon the authenticated roll of 1880, and that the decree of the United States Court of Claims, rendered February 3rd, 1896, and numbered 17200, as well as the instructions of the Secretary of the Interior to this Commission, by which this Commission is making a roll of Cherokee Freedmen, strictly prohibits the introduction of any testimony tending to disprove the citizenship of a person whose name appears upon the Authenticated Roll of 1880.

MR. HASTINGS: The Cherokee Nation desires to note the fact here that neither the applicant's nor his parent's names appear upon the roll of 1880.

MR. BROWN: The applicant invites the attention of the Commission to the fact that Rosa Melton, who was the mother of the applicant's father, is upon the authenticated roll of 1880, and that the applicant's father was born in 1854, and at the close of the war and at the time that the said Rosa Melton, who is the mother of the applicant's father, acquired her rights to citizenship in the Cherokee

Nation, the applicant's father was a minor, and whatever rights he might have had was through his parents.

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Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) Arthur G. Croninger.

Subscribed and sworn to before me this 18th day of July, 1902.

SEAL.

(signed) P. G. Reuter,
Notary Public.

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I, Mattie E. DeWitt, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I copied the foregoing testimony and proceedings in the above stated case, and the same is a true copy from the original.

Mattie E. DeWitt

Sworn to and subscribed before me this 5th day of July, 1902.

Bruce Jones
Notary Public.

NOTARY PUBLIC
JULY 11 1902
JULY 11 1902

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 31, 1902.

In the matter of the application of Martha Gales for enrollment as a Cherokee Freedman.

Applicant appears by Lewis T. Brown; Cherokee Nation by W.W. Hastings and J. S. Davenport.

Charles Foreman, being sworn and examined, testified as follows:

By Lewis T. Brown: State your name? A Charles Foreman.

Q What is your age? A I don't know exactly, I am about fifty years old.

Q What is your postoffice address? A Bufaula.

Q Are you a citizen of the Cherokee Nation? A Yes, sir.

Q Mr. Foreman, were you a slave in the Cherokee Nation at the beginning of the war? A Yes, sir.

Q Did you go out of the Cherokee Nation during the war? A Yes, sir, I went with Mr. Ross to Philadelphia.

Q When did you return, in what year? A It was in '66.

Q Do you know Mr. F. H. Nash who lives in Fort Gibson? A Yes, sir.

Q Do you know Nip Blackstone and a man by the name of Smith who used to live in the vicinity of Fort Gibson? Yes, I know them.

Q Are you the Charles Foreman referred to in their testimony in this case as having run a barber shop in Fort Gibson in '66?

A Yes, sir.

Q Who else, if anyone, run a shop at that time? A That was me and Henry Scales and Pomp Brown's son.

Q Did you know Bill Brown during his lifetime? A Yes, sir.

Q Did he run a barber shop there during that year? A Yes, sir.

Q Did you see Pomp Brown there during that year? A Yes, sir.

J. S. Davenport: You went out of the Indian Territory with W.P. Ross and Chief Ross? A Yes, with William Ross.

Q How you testified this morning in your case didn't you? A Yes, sir.

Q When you said a while ago that you were a citizen of the Cherokee Nation, you didn't mean it did you? A I belong to it.

Q You are a colored freedman, a claimant to citizenship? A Yes, sir.

Q Now in your own case this morning in giving your testimony, I will ask you if you didn't testify that you returned to the Cherokee Nation about a month after the remains of Chief John Ross was brought back to the Cherokee Nation, did you or did you not testify that? A It has been so long.

Q It has been four hours since you testified? A I am short minded.

Q Do you remember whether you testified that this morning or not? Don't you know? A Yes, sir.

Q Did you or did you not testify this morning in your own behalf that you returned to the Cherokee Nation within about a month after Chief John Ross' remains were returned to the Cherokee Nation? A I don't know how long that was.

Q You testified that it was after his remains that you came back?

Q Yes, sir, I testified I came back afterwards, as near as I can recollect.

Lewis T. Brown: You are the same man that F. H. Nash and Mr. Blackstone and Mr. Smith witnessed, introduced on the part of the Cherokee Nation, as having run a barber shop in the Cherokee Nation in the year 1866? A Yes, sir.

J. S. Davenport: Did you hear them testify? A Yes, sir.

Q Where did they give it? A Over at Gibson.

Q Had you applied then? A Yes.

Q Did you call them as a witness in your case? A I went to them.

Q Did you call them as a witness in your case? A I called them in to-----

Q You don't know? A (No response)

W. W. Hastings: The Cherokee Nation for the purpose of showing the time of the return of this applicant himself and for the purpose of contradicting his testimony and for the purpose of showing that he himself was not a resident of Fort Gibson in the year 1866 offers the following testimony of Will P. Ross, now deceased, taken in the case of Willis Martin vs Cherokee Nation and found in a Book taken from the records of the Executive Department of the Cherokee Nation, entitled "Register of evidence from Court of Commission, Chambers' Court, Book "K", as follows: Page 288:

"Willis Martin vs Cherokee Nation.

Statement of William P. Ross who being sworn says: 'I was living in Fort Gibson in 1867. The cholera broke out here about from the 23rd to the 26th of June of that year. I brought the remains of John Ross, late chief, from Washington some time in May of 1867 before the cholera broke out.' Will P. Ross.

April 24, 1879. Attest J. A. Scales, Clerk."

Lewis T. Brown: Applicant objects to the introduction of this testimony for the reason, first: That it is not shown that this has ever been sworn to, nor is it shown that it is the original copy of what it purports to be and if it is offered in evidence for the purpose of showing that the witness Charley Foreman himself was not here, it is in contradiction to the facts already proven by the Cherokee Nation's own witnesses.

Commission: The above proceedings will be filed and made a part of the record in the following freedmen cases:

Susan Brown, D-93; Lewis T. Brown, D-94; Ella J. Hill et al, D-256, as well as in the case at bar, being that of Martha Gales, D-92. The applicants in the above named cases are represented by Lewis T. Brown.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 19th day of June, 1902.

(Seal) (Signed) P. G. Reuter, Notary Public.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify on my official oath, that the above and foregoing is a true and correct copy of the testimony and proceedings in this case.

Label H. Maxwell

Subscribed and sworn to before me this 14th day of August, 1902.

Orville Jones
Notary Public.

File with F. D. 256, Ella J. Hill.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. May 31st, 1902.

In the matter of the application of Lewis T. Brown for the enrollment of himself as a Cherokee Freedman.

Applicant appears in his own behalf; Cherokee Nation by
W. W. Hastings and J. S. Davenport.

W. W. HASTINGS, being sworn and examined, testified as follows:

BY LEWIS T. BROWN:

Q State your name? A W. W. Hastings.

Q What is your age? A 35.

Q What is your post-office address? A Tahlequah, I. T.

Q Are you a recognized citizen of the Cherokee Nation?

A Yes sir.

Q Mr. Hastings, what official positions, if any, have you held in the Cherokee Nation and under the laws of the Cherokee Nation?

A I don't believe I could remember them all; I have been on the Board of Education, Attorney General for the Cherokee Nation, and I represented it several times at Washington and before these Commissions. These are some of them.

Q Where were you born? A I was born in Arkansas.

Q State of Arkansas?

A Yes sir.

Q Do you know the applicant in this case?

A Yes sir.

Q State whether or not you ever represented the applicant in this case in a civil suit in the Cherokee Court?

J. S. DAVENPORT: I object to that for the records will show it.

COMMISSIONER: Objection will be noted.

Answer the question. A I believe I did although it never came to trial, if that is my recollection of it.

Q Do you know why it did not come to trial?

A I am not really positive; my impression is it was pending there when the Curtis Bill was passed, in the Delaware District Court; I am not certain however.

Q Was not it in the Supreme Court of the Cherokee Nation at Tahlequah?

A It might have been.

J. S. DAVENPORT: Do you remember any of the questions raised by the defendant in that case as a defense to the right of the plaintiff, one of whom was the applicant, Lewis T. Brown, to obtain his action of that court?

A I don't want to do the applicant any injustice. My recollection

is very meagre about that case. I know there was a case pending over there and I don't remember the date of it or the disposition of it, whether it was pending there or before the Supreme Court when the Curtis Bill was passed. I don't believe I represented him when it came up for trial. My recollection is it went off on some ground, but I don't know what it was. I do not think I tried this case or was present when it was tried in the Circuit Court of Delaware District.

BY MR. BROWN:

Q I will ask you if you wer'nt together with Mr. Thompson, attorney for the applicant before the Supreme Court of the Cherokee Nation together with Mr. James S. Davenport, when this case was pending there? A Well, I think I was.

JAMES M. KEYS, being sworn and examined testified as follows:

BY LEWIS T. BROWN:

Q State your name? A James M. Keys.
Q What is your age? A 68 years.
Q What is your post-office address? A Chouteau.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Mr. Keys, when did you leave the Cherokee Nation for the first time? A During the war my first time.
Q When did you return? A In '65.
Q When did you next leave, going out to stay any length of time? A I don't remember when I did leave, I went out of the country about '71, I think.
Q How long were you gone? A About four or five years.
Q Have you ever held any position by the Cherokee authorities? A Yes sir.
Q When you returned were you re-admitted? A No sir.

J. S. DAVENPORT: I object to that as being immaterial.

L. B. BELL, being sworn and examined, testified as follows:

BY LEWIS T. BROWN:

Q State your name? A A L. B. Bell; 64 years old; Vinita.
Q You are chief counsel for the Cherokee Nation in this matter? A Yes sir.
Q Are you a recognized citizen of the Cherokee Nation? A Yes.
Q When did you leave the Cherokee Nation for the first time to go South? A Why, I could'nt hardly tell you; I moved my family South in '61. I was up here in the Cherokee Nation most of the time until '65, when the federals kicked us out.
Q Did you know D. W. Bushyhead, who is dead? A I did when he was alive.
Q Do you remember when he left the Cherokee Nation and went to California? A In about 1849.
Q Do you remember how long he was gone? A I think he came back in about '65.

J. S. DAVENPORT: I object to testimony taken in the action of Mr. Bushyhead, or any other Indian by blood, because the treaty relating to the rights of freedmen and the general law relating to Cherokees are absolutely different, and was a condition precedent and one as a condition subsequent.

LEWIS T. BROWN: The applicant calls the attention of the Commission to that portion of the treaty of 1866, which says, "That all former slaves of Cherokee citizens who were emancipated as such,

and returned to the Cherokee Nation within six months after the 19th of July, 1886, should have all the rights of a full-blood Cherokee; and also invited the attention of the Commission to the decision of the United States Court of Claims on this matter in the case of Moses Whitacre, trustee, vs. Cherokee Nation of the United States.

Q After Mr. Bushyhead returned to the Cherokee Nation, did he ever hold any position according to the laws of the Cherokee Nation?

A Yes.

Q What positions, if any, did he hold? A He was treasurer about eight years and chief about the same length of time.

Q Was he ever re-admitted to citizenship after his return?

A I could'nt answer that. I guess the law book would show that. I have no recollection about that, whether he was or was'nt.

Q Is'nt it a matter of history that he was'nt? A I could'nt say that it was a matter of history; I have heard it questioned.

Q Were'nt you questioned about that before the Kern-Clifton Court?

A I don't recollect; I have raised the issue myself in a matter of politics half a dozen times by saying he was'nt a citizen.

Q Did you raise the issue that he was never re-admitted? A I suppose that is the ground.

JAMES S. DAVENPORT, being sworn and examined, testified as follows:

BY W. W. HASTINGS:

Q State your name? A James S. Davenport.

Q What is your age? A 37.

Q Your post-office is Vinita? A Yes sir.

Q Were you a practicing attorney before the Cherokee Nation Court before the passage of the Curtis Bill? A Yes, from February '93, up until the passage of the Curtis Bill.

Q Were you one of the attorneys in this same suit that I was inquired of by the applicant in this case? A Yes sir, I was one of them that brought the suit for himself and sister Ella.

Q Did you try the case? A I tried it in the Circuit Court for Delaware District.

Q Do you know whether the question of their citizenship was raised in that court? A Yes sir, I do, and that is the reason why I objected awhile ago to the introduction of oral testimony, for the reason that the records would show the question that was raised in the case. There is no doubt but what the facts so far as the acquisition of the property were concerned showed the right of Lewis and his sister, Ella Hill, to recover, but Mr. Akin who represented Mr. LeFores, as his attorney, raised the question by his answer that neither of the plaintiffs were recognized citizens of the Cherokee Nation, and were not entitled to participate in the division of lands and to hold improvements upon the public domain of the Cherokee Nation. The question of their citizenship was brought out all along the line and before the jury in the evidence and we lost the case in the lower court, and my recollection is that it was pending on appeal to the Supreme Court of the Cherokee Nation at the time of the passage of the Curtis Bill.

LEWIS F. BROWN:

Q Is it a fact that Mr. Akin, who represented the defense in that case, contended that by reason of the fact that the applicants were not upon the 1860 roll, was not entitled? A No sir, the answer was that they were not citizens, not entitled. You better go and get that so as to save this trouble.

Q I will ask you if the defense in that case did not make a motion before going into trial to dismiss the suit for the reason that the plaintiff, who is the applicant in this case, was not a recognized citizen of the Cherokee Nation? A My recollection is he did, and my recollection is as attorney and not what the law was; I took the position that could only be raised by answer and by introduction of proof, and not by pleadings when the pleadings showed that he was entitled to sue and sue in the Court.

Q I will ask you if it isn't a fact that T. M. Buffington, who was then Judge of that court, didn't overrule the motion to dismiss and let the case go to trial? A If I am correct in such a motion to dismiss being filed, which I am satisfied I am, the presiding judge did overrule the motion, and his opinion will show that it was overruled on the ground which I have just stated; that it was not a question that could be raised upon preliminary motion when the citations showed the parties to be citizens, but it must be raised by answer and by introduction of proof.

Q Is it not a fact that the case went to trial and went to trial by jury? A Yes sir, it went to trial by jury, and if you ever practiced law in any court in the world the question of the jurisdiction of the person is raised, and in any way whatever unless it showed in the complaint that the party does not reside within the jurisdiction of the court it will be raised by answer and go to trial either by the jury or the court, and the introduction of evidence will be required in order to settle the question as to the jurisdiction of the person, which was the question raised in this case, was the question of the jurisdiction of the person and not of the propriety.

Q Well the Cherokee Courts did try this case? A Yes sir, the Cherokee Court did try this case and not the courts, and I presume would have been passed upon by the Supreme Court; in fact I know it would. I would suggest right here it would be better to get his answer, which is a matter of record showing exactly what he raised.

COMMISSION: To be filed in case of Ellis Hill, D-256, and the case at bar; also to be filed in D-92 and D-93.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in the case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(signed) E. G. Rothenberger.

Subscribed and sworn to before me this 19th, day of June, 1902.

/Seal)

(signed) P. G. Reuter,
Notary Public.

I, Mattie E. Dewitt, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I copied the foregoing testimony and proceedings in the above stated case, and the same is a true copy from the original.

to
Sworn and subscribed before me this 7th day of August, 1902.

Mattie E. Dewitt

Prue C. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Martha Gales, et al. for enrollment as Cherokee Freedmen, consolidating the applications of

Martha Gales,.....	Cherokee Freedmen	D	92
Susan Brown,.....	"	"	D 93
Louis T. Brown,.....	"	"	D 94
Ella J. Hill,.....	"	"	D 256

D E C I S I O N .

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission: by Martha Gales, among others, for herself; the other parties to her application, being differently classified, are not embraced in this decision; by Susan Brown for herself; by Louis T. Brown for himself; by Ella J. Hill for herself and her two minor children, Bessie and Herbert L. Hill. Copies of the testimony taken at various times in the matter of the applications of Becky Webber and Russell Henderson for enrollment as Cherokee Freedmen, are made a part of the record herein.

The evidence shows that Martha Gales, Susan Brown and one, Pomp Brown, were the slaves of a Cherokee citizen at the commencement of the rebellion; that they were taken out of the Cherokee Nation during the rebellion and that none of them returned to and in good faith established his or her residence therein until after January 19, 1867. The said Louis T. Brown and Ella J. Hill are the descendants of said Pomp Brown, born since 1866, and have no rights as Cherokee Freedmen, except such as they may have acquired through him. Bessie and Herbert L. Hill are the minor children of the said Ella J. Hill, and have no rights as Cherokee Freedmen, except such as they may have acquired through her. None of the applicants herein are found on the 1860 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Martha Gales, Susan Brown, Louis T. Brown, Ella J. Hill, Bessie Hill and Herbert L. Hill as Cherokee Freedmen, should be denied under the provisions of Section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) James Bixby
Acting Chairman.

(SIGNED) T. B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

Dated at Muskogee, Indian Territory,
this APR 22 1903

(SIGNED) W. E. Stanley.
COMMISSIONER.

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J. J. 256

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

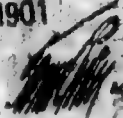
FILED
MAY 16 1901



ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAY 16 1901



ACTING CHAIRMAN

COMMISSIONERS

HENRY L. DAWES,
TAMM DIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita, Indian Territory, May 18th, 1901.

Received of the Commission to the Five Civilized Tribes
one copy of the original testimony in the matter of the appli-
cation of Ella J. Hill et al for enrollment as Freedmen of the
Cherokee Nation.

Louis J. Brown

Agent for Applicant.

Cherokee F. D. 256.

Q. FD 256

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
..... day of..... A. D. 1901.

Given under my hand this.....
day..... A. D. 1901.

Marshal for Cherokee Nation.

I, the undersigned ^{agent} attorney for the
within named applicant hereby accept
service of the within notice on this the
day of Sept, 1901.

Louis T. Brown
agent for applicant.


UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to.....

on the..... day of..... A. D. 1901

Subscribed and sworn to before me
this..... day of..... A. D. 1901.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 11 1901


ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF The application of Ella J. Hill
for enrollment as a Cherokee Freedman:

Case No. F. D. 256

Do Ella J. Hill, or L. T. Brown Agt.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of **Fort Gibson, I. T.** Indian Territory, on the following dates, to-wit: Sept. 18th at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 11th day of Sept., 1901.

Attorneys for the Cherokee Nation.

9 D. 256

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
..... day of..... A. D. 190.....

Given under my hand this.....
day of..... A. D. 190.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
..... day of....., 190.....

Louis B. Brown
attorney for applicant.

UNITED STATES OF AMERICA, } S. S.
INDIAN TERRITORY, }
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to.....

on the..... day of..... A. D. 190.....

Subscribed and sworn to before me
this.....

Notary Public.
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 21 1901

[Signature]
ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Ella J. Hill
for enrollment as Cherokee citizens:
Case No. D 256

To Ella J. Hill or L. F. Brown her Agt.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 5th 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 9-20-01.

L B Bell
M N Hastings
Attorneys for the Cherokee Nation.

COPY

Cherokee F.D.
92, 93, 94 & 256.

Muskogee, Indian Territory, April 24, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Martha Gales et al., together with a copy of the Commission's decision, dated April 22, 1903, rejecting the applications of Martha Gales, Susan Brown, Louis I. Brown, Ella J. Hill, Bessie Hill and Herbert L. Hill, as Cherokee Freedmen.

Respectfully,

James Rixby.
Chairman.

Enc. H-1152

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee F. D.
92, 93, 94 & 256.

Waskages, Indian Territory, April 24, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 22, 1903, in the consolidated case of Martha Gales et al., rejecting the applications for the enrollment of Martha Gales, Susan Brown, Louis T. Brown, Ella J. Hill, Bessie Hill and Herbert L. Hill, as Cherokee Freedmen.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

James Bixby
Chairman.

Enc. M-152

COPY.

Cherokee F.D.
92, 93, 94 & 256.

Muskogee, Indian Territory, April 24, 1903.

Louis T. Brown,

Agent for Martha Gales et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of supplementary proceedings in the consolidated case of Martha Gales et al., together with a copy of the Commission's decision rejecting the applications for the enrollment of Martha Gales, Susan Brown, Ella J. Hill, Bessie Hill, Herbert L. Hill, and yourself, as Cherokee Freedmen. You have heretofore been furnished with a copy of the record of proceedings had in the original applications.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

James L. Lacey
Chairman.

Enc. M-151

Register.

Muskegee, Indian Territory, April 24, 1903.

Miss J. Hill,
Vinita, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 22, 1903, rejecting, among others, your application for the enrollment of yourself and your two children, Bessie and Herbert L. Hill, as Cherokee Freedmen.

There has heretofore been furnished your agent, Louis I. Brown, Vinita, Indian Territory, a copy of the record of proceedings had in the original application, and there has this day been forwarded to him a copy of the record of supplementary proceedings, together with a copy of the Commission's decision.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Tams Bixby.

Chairman.

Enc. M-2151
Register.

Refer in reply to the following:

18948/1903.
29586/1903.
72259/1903.

Department of the Interior,
Office of Indian Affairs,
Washington, March 3, 1904.

The Honorable,

The Secretary of the Interior:

Sir:

There is transmitted herewith for the consideration of the Department, the record of the proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of Martha Gales for the enrollment of herself, which application includes other parties, but who are differently classified and whose cases are not now under consideration; of Susan Brown for the enrollment of herself; of Louis T. Brown for the enrollment of himself; and of Ella J. Hill for the enrollment of herself and her two minor children, Bessie and Herbert L. Hill; all as Cherokee freedmen.

On April 22, 1903, the Commission rendered a decision in this case, finding from the evidence that Martha Gales, Susan Brown and one Pomp Brown were the slaves of a Cherokee citizen at the commencement of the rebellion; that they were taken out of the Cherokee Nation during the rebellion and that none of them returned to and in good faith established his or her residence therein until after January 19, 1867; that the said Louis T. Brown and Ella J. Hill are descendants of said Pomp Brown, born since 1866 and have

no rights as Cherokee freedmen except such as they may have acquired through him; that the said Bessie and Herbert L. Hill are the minor children of the said Ella J. Hill, and have no rights as Cherokee freedmen except such as they may have acquired through her and that none of the applicants herein are found on the 1880 authenticated Cherokee roll.

By reason of these findings and facts, the Commission is of the opinion that these parties are not entitled to enrollment as Cherokee freedmen citizens of the Cherokee Nation and that their applications therefore should be denied under the provisions of Sec. 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495.)

On May 8, 1903, the Department forwarded what is termed an appeal from the decision of the Bureau Commission in the matter of the application of Louis T. Brown for enrollment as a Cherokee freedman and on November 7, 1903, a brief in behalf of the nation in said case was transmitted by the Department, both of which are enclosed herewith.

It appears from the evidence set out in this case that the testimony taken in the matter of the application of Rocky Webber and Russell Henderson for enrollment as Cherokee freedmen is made a part of the record in this case and constitutes a part of the evidence submitted herein.

I do not approve of this practice of the Commission of making the evidence in one case a part of the evidence in another

case, or in other words of taking the entire testimony submitted in a certain case and incorporating it bodily as testimony in another case. Such practice would not be permitted in any court and it is entirely foreign to all the rules of evidence, unless done by the consent of both parties. In these Churchman Freedmen cases it invariably brings before the office and the Department a large amount of testimony which is no way relevant to the subject under consideration and that part of the same which may be considered relevant is adduced under entirely different circumstances and relates to an entirely different individual from the one under consideration.

Both the applicant and the nation as a rule are represented by attorneys, especially where the matter is much litigated, and these attorneys have access to this testimony that has been introduced in other cases and can easily submit in a much shorter way the testimony which they think is germane to the matter being investigated. I do not consider that it is fair either to the applicant or the Nation to lug in a lot of testimony which is taken at some other time and place in some other case and perhaps under entirely different circumstances, to try and prove some fact that may be at issue in the case then being heard.

Both the applicants and the nation have a right to cross-examine the witnesses called to testify against them and this right is precluded when the testimony is made a part of the record as has been done in this case.

Passing from this matter to the question at issue, I have gone through this testimony and find it very difficult to determine just what the facts are in the case. The brief of the applicant, Louis T. Brown, filed herewith and the brief of the Cherokee Nation both make quite a full statement of their respective claims.

There is a great deal of uncertainty about many of the alleged facts in said briefs, but on the whole I think the Nation has perhaps made out the best case.

The applicant, Louis T. Brown, makes strong contention that his grandmother, the mother of Pomp Brown, a Rosa Melton, was enrolled on the 1880 roll, page 708, No. 831, Sequoyah District, and that her enrollment had been approved by the Department, and

therefore that the said Pomp Brown, being a minor in 1866, is entitled to enrollment as a descendant of his said mother. The Nation in its brief does not contest the fact to any great extent that Rosa Melton was the mother of Pomp Brown. It does state that there is no testimony that Pomp Brown ever lived with Rosa Melton, or that he ever made her place his home and that there is no testimony that Rosa Melton was a slave of Jim Brown, or that Pomp Brown lived in the same family with Rosa Melton prior to the war.

The nation then passes that question and sets out that its contention is that under the 9th article of the treaty of 1866, it was incumbent and necessary for the said Pomp Brown to have returned, himself, within the time prescribed by the treaty in order that

citizenship might attach to him; that he had no rights of citizenship in the Cherokee Nation prior to the war; that he never acquired any except by complying with the provisions of the treaty of 1866 and that there are no exceptions whatever in behalf of minors.

The nation then cites the opinion of Assistant Attorney General Van Deynster given May 31, 1900, wherein it is stated that infancy is not exempt from the limitations upon the time in which applications for citizenship by persons not on a tribal roll were required to be made by the act of June 10, 1898, but I do not consider that this opinion necessarily applies to the provisions of said Sec. 9, of the treaty of 1866.

I have heretofore held that the word "descendants" as used in said Sec. 9 is applicable to minor children of such Cherokee freedmen as did comply with its provisions, and if as a matter of fact the said Louis T. Brown is a descendant of the said Rosa Melton, and if her name is on the 1866 roll, then this applicant is entitled to enrollment without regard to his father's status, for Louis T. Brown is clearly a descendant of the said Rosa Melton if he is her grandson and comes within the very class which the nation in its brief admits would be entitled to the benefits of the provisions of said Sec. 9.

The Commission in its decision, does not pass upon this phase of the question, and I presume did not consider it necessary for some reason, but as that reason is not given I deem it necessary under the evidence and circumstances and in accordance with the law,

(COPY)

W.C.F.

D.C. 12553

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

FILE

I.T.D. 1880-1904.

April 19, 1904.

L R S

Commission to the Five Civilized Tribes,
Wuskogee, Indian Territory.

Gentlemen:

April 24, 1903, you transmitted the record in the consolidated Cherokee freedman case of Martha Gales, et al., (Cherokee F.D. 92, 93, 94 & 256), including your decision of April 22, 1903, rejecting the applications of Martha Gales, Susan Brown, Louis T. Brown, Klia J. Hill, Bessie Hill and Herbert L. Hill.

Reporting March 3, 1904, the Acting Commissioner of Indian Affairs states that under the evidence and in accordance with the law, the applicant Louis T. Brown is entitled to enrollment as a Cherokee freedman citizen of the Cherokee Nation, unless the Nation can show that Rosa Melton was not his grandmother, or that her name does not appear on the 1880 authenticated Cherokee roll. The Acting Commissioner concurs in your decision as to the other applicants herein.

The rights of the applicants will not be adjudicated at the present time. You are directed to notify the applicant, Louis T. Brown, and the attorney for the Cherokee Nation, of the recommendation of the Acting Commissioner, and to allow said attorney

thirty days in which to submit any additional argument he may desire, and the applicant ten days in which to answer same.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) Theo. Ryan

Acting Secretary.

2 inclosures.

SPECIAL

JYJr.

DEPARTMENT OF THE INTERIOR,
D.C. 13261-1906
WASHINGTON.

LLB

I.T.D.1850,8566-1904.

April 10, 1906.

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On April 24, 1903, the Commission to the Five Civilized Tribes transmitted the record, together with its decision, in the matter of the application for the enrollment of Martha Gales for herself; Susan Brown for herself; Louis T. Brown for himself, and of Ella J. Hill for herself and her two minor children, Bessie and Herbert L. Hill, all as Cherokee freedmen.

Reporting March 3, 1904, the Acting Commissioner of Indian Affairs stated that he believed the applicant Louis T. Brown was entitled to enrollment as a Cherokee freedman, unless the nation could show that Rosa Melton was not his grandmother, or that her name did not appear on the authenticated roll of 1850.

April 19, 1904, the Department informed the Commission that the attorneys for the Cherokee Nation would be given 30 days to submit additional argument and the applicants 10 days in which to answer the same.

June 24, 1904, the Commission forwarded the argument submitted by the attorneys for the Cherokee Nation, together with

a motion of the applicants, requesting the Department to refuse to consider the argument presented by the nation. This motion of the applicants was denied by the Department on November 26, 1904.

January 4, 1906, the applicants filed supplemental argument with the Department.

January 24, 1906, the Acting Commissioner of Indian Affairs transmitted the reply of the attorneys for the Cherokee Nation to the supplemental argument submitted by the applicants.

It appears from the record that on April 22, 1903, the Commission to the Five Civilized Tribes rendered a decision adverse to the applicants.

In view of the decision of the Assistant Attorney-General dated March 22, 1904, in the cases of Joseph Campbell and John Taylor, and of the decision dated December 14, 1904, in the matter of the Mary W. Greenleaf case, neither Louis T. Brown nor Ella J. Hill and her two children, Bessie and Herbert L. Hill, can claim any rights by reason of the fact that their grandmother's name appears on the authenticated roll of 1880.

The Department considers that the decision of the Commission to the Five Civilized Tribes dated April 22, 1903, denying the right of enrollment as Cherokee freedmen to Martha Galwa, Susan Brown, Louis T. Brown, Ella J. Hill, Bessie Hill, and

-4-

Herbert L. Hill is correct, and said decision is hereby affirmed.

Respectfully,

E. A. Hitchcock,

Secretary.

Muskogee, Indian Territory, April 19, 1906.

Wlia J. Hill,
Vinita, Indian Territory,

Dear Madam:

You are hereby advised that on April 10, 1906,
the Department affirmed the decision of the Commission to
the Five Civilized Tribes, rendered April 22, 1903, denying
the application for the enrollment of yourself and your
children, Bessie and Herbert L. Hill, as Cherokee freedmen.

For your information there is enclosed you herewith
a copy of the Departmental decision referred to.

Very respectfully,

SIGNED:

Wm. D. Beall
Acting Commissioner.

Encl.
MCP-219.

Cherokee F.D.92.

COPY.

Muskogee, Indian Territory, April 19, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, rendered on April 22, 1903, denying the applications for the enrollment of Martha Gales, Susan Brown, Louis T. Brown, Ella J. Hill, Bessie Hill and Herbert L. Hill, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 10, 1906.

For your information a copy of the Departmental decision referred to is herewith enclosed.

Very respectfully,

SIGNED:

Wm O Beall
Acting Commissioner.

Encl.
NMP-619.

Muskogee, Indian Territory, April 19, 1906.

Louis T. Brown,
Attorney for Martha Gales et al,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 21, 1903, rejecting the applications for the enrollment of yourself, Martha Gales, Susan Brown, Ella J. Hill, Bessie Hill and Robert L. Hill, as Cherokee freedmen, was affirmed by the Secretary of the Interior April 10, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Very respectfully,

(SIGNED)

Wm O'Beall
Acting Commissioner.

Encl.
MCP-119.

Muskogee, Indian Territory, February 9, 1907

The Honorable,

The secretary of the Interior.

Sir:

There is enclosed a motion filed June 25, 1906, for a rehearing of the Cherokee freedmen enrollment case of Louis T. Brown and Ella J. Hill et al. The reply of the Attorney for the Cherokee Nation, to this motion, filed July 8, 1906, is also enclosed.

April 10, 1906 (I.T.D. 1850,5566-1904), the Department affirmed the decision of the Commission to the Five Civilized Tribes dated April 22, 1903, rejecting, among others, the applications for the enrollment of Louis T. Brown and Ella J. Hill and her minor children, Bessie and Herbert L. Hill, as Cherokee freedmen.

There is no question of law or fact now presented which has not heretofore been considered in connection with the case, and it is respectfully recommended that the motion be denied.

Respectfully,

Through the Commissioner
of Indian Affairs.

DEPARTMENT OF THE INTERIOR, LIE.

J. J. Jr.

WASHINGTON.

D.C. 12330-1907.

I.T.D. 5570-1907.

IRS.

March 1, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskegee, Indian Territory.

Sir:

The motion for rehearing of the Cherokee freedman case of Louis T. Brown and Ella J. Hill et al., received with your letter of February 9, 1907, and Indian Office letter of February 26, 1907 (Land 15570), is hereby denied, in accordance with your recommendation and that of the Indian Office.

Even if the motion presented a prima facie case for investigation, which it does not, the Department would not be warranted in ordering a rehearing, in view of the provisions of section 2 of the act of April 26, 1906 (34 Stat., 137), relative to the completion of the citizenship rolls of the Five Civilized Tribes.

A copy of Indian Office letter is inclosed.

The papers in the matter and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

(Signed) Jesse H. Wilson,

Assistant Secretary.

1 inc. and 23 to Ind. Of.

A. F. Mc.
3-1-07.

DEPARTMENT OF THE INTERIOR,

Land.
31883-1906
16370-1907.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

February 26, 1907.

(COPY)

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of April 10, 1906 (I.T.D.1850, 5566-1904), affirming the decision of the Commission to the Five Civilized Tribes, dated April 22, 1903, rejecting, among others, the application for the enrollment of Louis T. Brown and Ella J. Hill and her minor children, Bessie and Herbert L. Hill, as Cherokee freedmen, I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated February 9, 1907, enclosing a motion filed with the Commissioner on June 25, 1906, for a rehearing in this case, together with the reply of the attorney for the Creek Nation, filed July 5, 1906.

The motion sets out no question of law or fact that has not heretofore been considered in connection with the case. There never has been any question but that the applicants were the children of Pomp Brown and the grandchildren of Rosa Melton. Even if the facts alleged in support of the motion were true, it would still lack the essential element of showing that due diligence had been shown heretofore in securing the testimony,

and the Office concurs in the recommendation of the Commissioner

that the motion be denied.

EVE--ED.

Very respectfully,
G. F. Larrabee,

Cherokee freed-
man R764

Muskogee, Indian Territory, April 3, 1907.

Ells J. Hill,
Vinita, Indian Territory.

Dear Madam:

You are hereby advised that the motion filed by your attorneys, Starr & Patten, for a rehearing in the Cherokee freedman enrollment case of yourself and children, Bessie and Herbert L. Hill, was denied by the Secretary of the Interior March 1, 1907.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

MMP

Cherokee freed-
man R 764

Muskogee, Indian Territory, April 2, 1907

Messrs Starr & Patten,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the motion filed by you for a rehearing in the Cherokee freedman enrollment case of Louis T. Brown and Ella J. Hill, et al., was denied by the Secretary of the Interior March 1, 1907.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. P-4-10
MMP

E. S. Rodgers
Acting Commissioner.

Cherokee freed-
man R 764

Muskogee, Indian Territory, April 2, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed for a rehearing in the Cherokee freedman enrollment case of Louis T. Brown and Ella J. Hill, et al., was denied by the Secretary of the Interior March 1, 1907.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Geo. D. Rodgers.
Acting Commissioner.

Incl. P-4-11
MCP

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAY 11 1901

This certifies that the within
Appointed Administrator was duly
sworn (as directed by Law) to render a
full and complete Schedule of the
property to come into his possession
by virtue of these letters and perform
all other duties required by Law of
Administrator William S. Madden

Sworn to before me on the 1st the
3rd day of May - 1889
W. C. Lamborn
Mayor of Town of Danversville

LETTERS OF ADMINISTRATION.

CHEROKEE NATION, }
Delaware District. }

Office of District Judge of *Delaware* District.

To Whom it May Concern:

KNOW YE, That I, *J. C. Ward*

Judge of the District Court of the District and Nation aforesaid do, by virtue of authority in me vested by law, this day, make, constitute and appoint in the name and by authority of the Cherokee Nation

William S. Madden Administrator of the estate
of *Samuel Brown* deceased, late
of *Delaware* District, Cherokee Nation, the
said *William S. Madden*

having complied with and performed all the duties required by the law of him, precedent to this appointment.

In testimony whereof, I hereunto set
my hand on this the *15th* day of
April A. D, 188*7*.

[SEAL.]

J. C. Ward,
Judge District Court of
Delaware District, C. N.

Attest: _____ Clerk District aforesaid.

①

J. J. 256

Chas. A. Davidson Clerk.

Deputy.

By

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAY 11 1901



ACTING CHAIRMAN.

CERTIFICATE OF RECORD.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.

SS.

Northern District

Chas. A. Davidson

~~I, JAMES A. WINSTON,~~ Clerk of the United States Court in the Northern District,

Indian Territory, do hereby certify that the instrument herelo attached was filed in my office

the *10th* day of *March*, 1896, at _____ M., and duly recorded

in Book *E*, Marriage Record, Page *64*.

WITNESS my hand and seal of said Court at Muskogee, in said

Territory, this *21* day of *April* A. D. 1901

Chas. A. Davidson Clerk.

By _____ Deputy.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

F. I. B. D.
MAY 11 1901

ACTING CHAIRMAN

J. S. D. S. G.

	MARRIAGE LICENSE.	
---	-------------------	---

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
 Northern District.

1061000

TO ANY PERSON AUTHORIZED BY LAW TO SOLEMNIZE MARRIAGE, OR BESTING!

You are ~~Hereby~~ Commanded to Solemnize the Rite and publish the Banns of Matrimony
 between Mr. Stephen L. Hill
 of Vinita, in the Indian Territory, aged 28 years, and
 Miss Ella J. Brown
 of Vinita, in the Indian Territory, aged 24 years,
 according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal at Vinita, Indian
 Territory, this 27th day of February, A. D. 1896
 By J. C. Anderson Deputy. Gas. A. Winston
 Clerk of U. S. Court.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,
 Northern District.

I, J. N. Hawkins, a Minister of the Gospel,
 DO HEREBY CERTIFY, that on the 27th day of Febry.
 A. D. 1896, I did duly and according to law as commanded in the foregoing License,
 solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 27th day of Febry., A. D. 1896

My Credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District,
 Book _____, Page _____

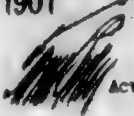
J. N. Hawkins
 A Minister of the Gospel.

7B

J. G. 250

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAY 11 1901



ACTING CHAIRMAN

CHEROKEE FREEDMEN.

Date _____
Post Office *Vinita, Ia.*
District *Delaware*

1. Name _____ Age _____
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____
Mother _____ Citizenship _____

1. Name of wife *Ella Hill* Age *28*
Owner's name _____ Citizenship _____
Year *K.C.* Page *121* No. *3100* District *Delaware*

Parents:

Father *Laura Brown - dead* Citizenship *San. Gudma*
Mother *Amanda Richie - living* Citizenship *Col. res.*

Names of Children:

- 2 | *Bessie Hill* Year _____ Page _____ No. _____ Dist. _____
- 3 | *Herbert L. "* Year _____ Page _____ No. _____ Dist. _____
- 5. Year _____ Page _____ No. _____ Dist. _____
- 6. Year _____ Page _____ No. _____ Dist. _____
- 7. Year _____ Page _____ No. _____ Dist. _____
- 8. Year _____ Page _____ No. _____ Dist. _____
- 9. Year _____ Page _____ No. _____ Dist. _____
- 10. Year _____ Page _____ No. _____ Dist. _____
- 11. Year _____ Page _____ No. _____ Dist. _____
- 12. Year _____ Page _____ No. _____ Dist. _____

Application made by *Ms. 1* Stenographer *Bl. Jones*

1 On K.C. roll as Ella Hill
2 Vol 3. Affidavits of birth required.

X Ref. D 94
Judge - make note on D 94. See letters of administration filed in this case.

FD 256

FILED
19 1900

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Ella J. Hill,
Vinita, I.T.
Cherokee F-D-256
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cher. Fr. R. 765

Trans. from Fr. D. 94

Cher. Fr. R. 765

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[Signature]
CHAIRMAN

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CHIEF CLERK

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., APRIL 17th, 1901.

In the matter of the application of Louis T. Brown for enrollment as a Cherokee Freedman; said Brown being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Louis T. Brown.
Q How old are you, Mr. Brown? A I am 26.
Q What is your post office address? A Vinita.
Q In what district do you live? A Delaware.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Did you ever apply to be enrolled as a Freedman of any other tribe or Nation? A No, sir.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes, sir.
Q Is your name on the roll of 1880? A No, sir.
Q Is your name on the roll of 1896? A I don't know.
Q What was your father's name? A My father's name is Sam Brown, better known as Pemp Brown.
Q Is he living? A No, sir.
Q What is your mother's name? A Amanda Richey.
Q Is she living? A Yes, sir.
Q Is she a Cherokee Freedman? A No, sir.
Q Is your father a Cherokee Freedman? A Yes, sir.
Q Did you draw what is known as the strip money in 1896?
A Yes, sir.
Q Where were you born, Mr. Brown? A I was born at Chanute, Kansas.
Q How long have you lived in the Cherokee Nation? A I think I came to Vinita in 1882 or 1883, somewhere along there.
Q Been living here continuously since? A Yes, sir, with the exception I have been out to school.
Q Do you desire to enroll anybody but yourself? A No, sir.
Q Is your father's name on the roll of 1880? A No, sir.
Q What is the reason you are not on the roll of 1880? A Well, my father was not enrolled and I suppose they would not enroll me unless he was.
Q Was your father a slave? A Yes, sir.
Q What was the name of his owner? A Jim Brown, Judge of Sequoyah District.
Q You say your mother was not a Cherokee Freedman? A Yes, sir.
Q What is known as a State woman? A Yes, sir; my name may be on the roll of 1896, I don't know.

The 1880 Authenticated Roll of citizens of the Cherokee Nation examined and applicant's name not found thereon,
The 1896 Census Roll of citizens of the Cherokee Nation examined and applicant's name not found thereon.

The Kerns-Clifton Roll of citizens of the Cherokee Nation examined and applicant's name found thereon, page 121, #2999, Louis T. Brown, Delaware.

- Q You claim Cherokee Freedmanship through your father? A Yes, sir.
Q You say your father is not living? A My father is dead.
Q Where was he during the war between the United States and the Confederacy? A I don't know.
Q You don't know whether he was in the Cherokee Nation in 1866 or not? A No, sir; I don't.
Q Have you any witnesses here? A Yes, sir.

Louis T. Brown--2.

S. H. BERGE, being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A B. H. Benge.
Q What is your age? A 69.
Q Post office address? A Fort Gibson.
Q Do you know Louis T. Brown? A No, sir; I am not acquainted with him, I have seen him.
Q Did you know Sam or Pomp Brown? A I know Pomp.
Q Was he a slave? A Yes, sir.
Q Whom did he belong to? A Jim Brown.
Q Did you know where Pomp was during the war between the United States and the Confederacy? A He was in Kansas; I saw him up there in Kansas in '66.
Q Did you know when he come back to the Cherokee Nation? A No, only as I related here a while ago, I saw Jim Brown and Pomp Brown here together.
Q What year? A '66.
Q Do you know whether Pomp Brown, where he lived after that?
A No, sir.

BY W. W. HASTINGS, Cherokee Representative:

- Q What was Pomp Brown doing in here in November, 1866? A He was not doing anything when I saw him, he was here with his uncle.
Q Did his family live here? A No, sir; I don't know whether he had a family but himself.
Q De you know how long he remained here at that time? A No, sir.
Q You only remember seeing him the one time? A I saw him several times.
Q I mean shortly afterwards? A I don't know just exactly, but I saw him several times; he finally told me, I don't know whether it was correct or not, he told me he lived at Vinita a while.
Q Right along in 1866, if you can recollect, how long he lived here in Fort Gibson? A I don't remember, I knew him back yonder on Lee's Creek.
Q Where did you live during that year? A Sequoyah District.
Q How far is that from Fort Gibson? A About 40 miles.
Q I believe you testified that William Brown was running a barber shop? A Yes, sir.
Q Was he a brother of this man Pomp? A No, sir, uncle.
Q Where was Bill Brown's barber shop located at that time?
A Down here in town.
Q In old town? A Yes, sir.
Q De you remember whose stores were adjacent to it? A No, Russ' had a store on this side of the street there.

BY COMMISSIONER NEEDLES/

Louis T. Brown, the Applicant, re-called, testified as follows:

- Q Were you father and mother living in Kansas when you were born?
A Yes, sir; they were both living there; my father had been here.
Q In what year were you born? A September 8th, '64.
Q How old were you when your father come to the Cherokee Nation?
A I was a boy nine or ten years old.
Q Did your parents come with you? A My mother come with me; my father was here when we come.

LUSTER FOREMAN, being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Luster Foreman.
Q What is your post office, Mr. Foreman? A Vinita.

Louis T. Brown--3.

- Q How old are you? A About 58.
Q Are you a Cherokee Freedman? A Yes, sir.
Q Recognized as such by the Cherokee authorities? A Yes, sir.
Q Do you know Louis T. Brown? A Yes, sir.
Q How long have you known him? A I have known him since he was quite a boy.
Q Where has he lived ever since you have known him? A He lived at Vinita most of the time he was not out at school.
Q Did you know him while he lived in Kansas? A No, sir.
Q Did you know his father? A Yes, sir.
Q What was his name? A Pomp Brown.
Q Did you know his mother? A No, sir.
Q Where was Pomp Brown during the war? A Don't know.
Q Where did you first see him after the war? A Seen him here in Fort Gibson.
Q What year? A I don't know; along in '65 sometime, when Bill Brown kept a Barber shop here.
Q Is he living, Pomp Brown? A No, sir, he is dead.
Q Did you know where he lived from the time you saw him here until the time of his death? A No, sir; I got acquainted with him here and the next time I saw him he was at Vinita.

Examination continued by the Applicant:

- Q Mr. Foreman, when did you remove to Vinita? A I disremember.
Q Where were you when the 1880 roll was made? A Over there in Canadian District.
Q How long after that roll was made until you went to Vinita?
A Two or three years.
Q Do you know whether or not Pomp Brown was in Vinita; he moved to Vinita himself? A Yes, he was there when I went there.

BY W. W. HASTINGS:

- Q Now, Luster, you were here in 1866 yourself? A Yes, sir.
Q You are positive that you saw Pomp Brown here at that time?
A Yes, sir.
Q In the year 1866? A I am positive I saw Pomp here with Bill Brown in the Barber shop, I worked in there with him.
Q Are you positive as to what year that was? A No, I don't know whether it was '66 or '65, I don't know exactly.
Q It was either '66 or '65? A I guess it was, I don't know exactly.
Q Do you know that it was not later than '66? A Yes, as near as I can get at it.
Q Where was Bill Brown's barber shop located? A On the west side of the street I think, I disremember, I think so.
Q Do you know who did business near him? A No, sir.
Q Do you know how long Pomp Brown remained here at that time?
A No, sir, I don't know exactly how long he remained here, he was here and he went somewhere else, I don't know.
Q About how long did you see Pomp around here? A I saw him quite a while.
Q As much as six months? A I don't know about that, I never kept much time when he was here.
Q Well now you knew that he went back to Kansas didn't you?
A No, sir.
Q You never saw him in Kansas? A No, sir.
Q Did you see him continuously in the Cherokee Nation; that is, with short intervals in the Cherokee Nation up to the time of his death? A I seen him here and I went to Vinita and got personally acquainted with him.
Q You didn't see him from 1866 up to the time you went up to Vinita? A I seen him up there.

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Q I say you never saw him in the meantime? A I don't remember seeing him.

Examination continued by Applicant:

Q Did you know the mother of Pomp Brown, did you know her name?
A I know who he claims to be, I reckon Bill Brown's sister, lived in Sequoyah.

Q I wish you would please state her name? A I know her name well, I can't think of it now.

Q Rosa Melton? A That is her.

Applicant: I would like to offer in evidence the 1880 roll, page 708, number 83, Sequoyah District.

W. W. Hastings: Comes now the authorities for the Cherokee Nation and object to the question and to the offering of the name and number in evidence for the reason that it is irrelevant and immaterial. If the applicant is entitled, he is entitled as a descendant of his father who was a slave and, therefore, the record of his grand-mother would not be material in this case.

The 1880 Authenticated roll of citizens of the Cherokee Nation examined and on page 708, #831, appears the name of Rosa Milton, in Sequoyah District.

Applicant: I offer this in evidence for the purpose of showing that the mother of Pomp Brown is upon the authenticated roll of 1880, and must to have returned within the time required by the Ninth Article of the Treaty of 1866, relative to Colored people; that at that time the said Pomp Brown was a minor and if he was entitled to citizenship at all, it was through his parents.

LOUIS T. BROWN, The applicant, re-called, testified as follows:
By W. W. Hastings:

Q Louis, how old would your father be if he were living now?

A He would be about 48 or 49.

MARTHA GALES, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Martha Gales.

Q What is your age, Mrs. Gales? A 58.

Q What is your post office? A Muskogee.

Examination continued by Applicant:

Q Did you know Pomp Brown during his life time? A Yes, sir.

Q By whom was he owned? A Owned by Jim Brown, Judge of Sequoyah District, same man I belonged to.

Q Did he leave this country during the war? A Yes, sir, he left there with the old judge himself, with my mother.

Q Do you know when he returned? A He returned with me and uncle Billy.

Q Who is uncle Billy? A William Brown.

Q Are you able to state in what year that was? A We came together in '66, in the Fall of '66.

BY W. W. HASTINGS:

Q How long did Pomp Brown remain here in Fort Gibson when he got back here in '66? A I can't tell you, he most always made his

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home at his uncle's.

Q His uncle was William Brown? A Yes, sir.

Q Do you know how long it was before he returned to Kansas?

A Hey, sir.

Q You know he went back up there? A No, sir.

Q Didn't you never see him up in Kansas after that? A No, sir.

Q Do you know John Brown who is here on the Marshall's force?

A I know his father, Bob Brown, and his mother.

Q Did you ever see him in Kansas after the war? A Yes, sir, I saw him in Kansas.

Q Was that before or after you came down here? A I had been down here and back?

Q Then you saw him? A Yes, sir.

LOUIS T. BROWN, the Applicant, re-called, testified as follows:
BY COMMISSIONER NEEDLES:

Q You were born in Kansas? A Yes, sir.

Q Well, how old were you when you returned to the Cherokee Nation?

A I was nine or ten years old.

Q Been living here ever since? A Yes, sir.

Applicant: I want to offer the 1880 roll, page 511, number 291, Illinois District.

The 1880 Authenticated Roll of citizens of the Cherokee Nation examined and on page 511, #291, appears the name of Wm. Brown, Illinois District.

Applicant: I offer this in evidence for the purpose of showing that Pomp Brown returned with William Brown; that William Brown's name appears upon the authenticated roll of 1880 and, therefore, must have returned in the year 1866.

BY COMMISSIONER NEEDLES:

Q Have you shown that they returned together? A Yes, sir, this lady swore it.

BY W. W. HASTINGS:

Q Is your mother alive? A Yes, sir.

Q Where is she living? A Living at Vinita.

Q How long has she been living there? A Mama has been living there ever since I have with the exception of the time I went to school.

Q I am trying to ask you how long she has been living there?

A She came there in 1883; Papa died in '87, she moved to Wichita, lived there until '92 or '93, been living there ever since.

Q And then back to Vinita? A Yes, sir.

BY COMMISSIONER NEEDLES:

Q You stated that your mother was a non-citizen? A Yes, sir.

Q And your father was a slave? A Yes, sir.

Q How was your mother? A Non, sir.

Q Were they ever married? A Yes, sir.

Q Have you any proof of that? A Not that I know of I can possibly get proof.

WANDA BROWN, re-called, testified as follows:
BY COMMISSIONER NEEDLES:

Q Did you ever know William Brown to be the wife of...

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Sam Brown? A Yes, sir.

Q Do you know whether they were married or not? A Yes, sir.

Q You didn't see them married? A No, sir.

Q But they lived together as man and wife? A Yes, sir.

Q Considered by the community as man and wife? A Yes, sir, as a member of the Church.

Q How long did they live together as man and wife? A I could not tell you.

Q How long to your knowledge? A I really could not tell you.

Q Did they live together until his death? (No response.)

Q When you knew them they were living together as man and wife?

A Yes, sir.

Q Do you know whether Louis T. Brown was born while they were living together as man and wife? A Yes, sir.

BY W. W. HASTINGS:

Q How did you know they were living in Kansas and you were living down here? A We could write.

Q That is the way you knew it, by corresponding? (No response.)

Q Didn't you testify a while ago that you never knew that Pomp Brown went back to Kansas? A I never testified that; I said I saw him up there.

L. B. BELL, called as a witness for Applicant, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A L. B. Bell.

Q Post office Vinita, lawful age.

Examination by Applicant:

Q Did you know my father during his lifetime? A Yes, sir.

Q Know my mother? A Yes, sir.

Q Do you know whether they lived together as man and wife? A They did while they lived at Vinita.

BY COMMISSIONER NEEDLES:

Q How long did you know them there? A I guess it was four or five years; he started up a shop there and he was killed there.

Q Do you know whether they were living together as man and wife when Louis T. Brown was born? A No, sir.

Q You don't know anything about that? A No, sir.

COM'R NEEDLES:--The name of Louis T. Brown is not found upon the authenticated roll of 1890, nor the census roll of 1896. His name is found upon the Kansas-Clifton roll. By reason of the evidence, final judgment as to the enrollment of Louis T. Brown as a Cherokee Freedman will be suspended and his name will be placed upon a doubtful card.

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J. G. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. G. Reason

Leung T. Brown-7.

Subscribed and sworn to before me this 18th day of April,
1901.

A handwritten signature in cursive script, appearing to read "C. H. ...", written over a horizontal line.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 22 1901

[Handwritten Signature]
ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Ft. Gibson, I.T., April 20, 1901.

In the matter of the application of Lewis T. Brown for enrollment as a Cherokee Freedman; being sworn and examined by Commissioner Breckinridge, he testified as follows:

- Q Give your name? A Lewis T. Brown.
Q You have already made your application? A Yes sir.
Q You want to correct your testimony? A Yes sir.
Q You gave your age as 26? A Yes sir.
Q Your post-office as Vinita? A Yes sir.
Q What correction is it you wish to make? A I notice in the testimony that that gives my age date of birth as September 5th, 1884, and it should be '74.
Q And you want to make that correction? A Yes sir.
Q Is that all? A There is another correction I think ought to be made. (Points out matter to Commissioner on copy of testimony.)
Q You want to correct some of the testimony of your mother?
A Relating to my mother.
Q You were giving the testimony? A Yes sir.
Q You are made to say in answer to the question of how long your mother lived at a certain place, when you stated previous to that that she was living at Vinita, that she moved to Wichita and lived from 1892 to 1893 and has been living there ever since, do you mean Wichita? A No sir, Vinita; she went to Wichita soon after the death of my father and staid until 1892 or 1893; she then moved to Vinita, and has been living there ever since.
Q She lived at Wichita until 1892 or 3 and then moved to Vinita and has been living at Vinita ever since, that time? A Yes sir.
Q That's the idea you want brought out? A Yes sir.

Com'r Breckinridge: This will be filed as a additional testimony in the case of Lewis T. Brown.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green
Subscribed and sworn to before me this April 22, 1901.



Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 5, 1901.

In the matter of the application of Lewis T. Brown for enrollment as a Cherokee Freedman.

Extract from testimony of Pomp Thompson, given in case of Martha Gales on October 5, 1901, L. T. Brown representing the applicant and J. S. Davenport the Cherokee Nation.

By L. T. Brown: You say you and Martha Gales made a trip from Fort Gibson to Webbers Falls in the spring of '67? A Yes, sir.
Q Who else was along on that trip? A Pomp Brown and Henry Soales.
Mr. Davenport: You any relation to Pomp Brown? A Yes, sir.

L. T. Brown: I would like to have a part of this testimony made a part of D-94, Lewis T. Brown. This gentleman testifies that he and Martha Gales as and Pomp Brown made a trip from Fort Gibson to Webbers Falls in the spring of '67 and Lewis T. Brown claims his citizenship through Pomp Brown. While it does not show he was here in '68, yet it is a circumstance, and I would like to have that much of the testimony in.

Commissioner: There is no reason why it should not go in, a copy of that part of the testimony of the witness relating to the trip as above will be made part of the testimony in the case of Lewis T. Brown, D-94.

L. T. Brown: I suppose by this being thrown into D-94, it will also be made a part of Ella J. Hill.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony of Pomp Thompson, given on October 5, 1901, in the matter of the application of Martha Gales for enrollment as a Cherokee Freedman, and that the foregoing is a true copy of a portion of said testimony.

Bruce G. Jones

Sworn to and subscribed before me this the 10th of October, 1901.

[Signature]

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 18, 1902.

In the matter of the application of Martha Gales to be enrolled
as a Cherokee Freedman:

Appearances:

Lewis T. Brown, agent, Vinita, I. T., for applicant;
James S. Davenport, Vinita, I. T., for Cherokee Nation.

TESTIMONY ON BEHALF OF THE CHEROKEE NATION.

JOSEPH ALBERTY, being sworn and examined, testified as follows:

- Q What is your name? A Jerry Alberty.
Q What is your post office? A Wagoner.
Q You live in the Cherokee Nation? A Yes sir.
Q How long have you lived in the Cherokee Nation?
A I have lived in there all my life. Born here and raised here.
Q Where were you living in 1853? A At Webbers Falls.
Q How far is Webbers Falls from Fort Gibson, Indian Territory?
A About 50 miles.
Q How long did you live at Webbers Falls after 1863?
A One summer.
Q During the time that you lived at Webbers Falls where did you do
your trading? A At Fort Gibson.
Q When you moved away from there to what point did you go?
A Down on the river about six miles from Wagoner.
Q About how far was that from Fort Gibson?
A That was about 22 or 23 miles from Fort Gibson.
Q Where did you do your trading after you moved down on the river?
A At Fort Gibson.
Q About how long did you live on the river near Fort Gibson?
A About two years.
Q Were you back and forth to and from Fort Gibson during that time?
A Yes sir. I did all my trading and milling and everything else
at Fort Gibson.
Q During the time that you lived there did you have an acquaintance
among the colored people at Fort Gibson? A Yes sir.
Q Did you know a colored woman named Martha Gales? During the
time you lived there on the river? A Not at that time.
Q Have you since that time become acquainted with her? A Yes sir.
Q Well you understand what years it was you lived on the river near
Fort Gibson; about 18 or 20 miles from there?
A It was '67 and '68 and a part of '66.
Q Since that time have you become acquainted with a woman named
Martha Gales and a man named Pomp Iron? A Yes sir.
Q When did you first get acquainted with them, and where were they
when you first saw them? A I never saw them at Fort Gibson
but once.
Q When was it you saw them at Fort Gibson?
A It must have been in '72 or '73; sometime about the 70s.
Q What were the circumstances under which you saw them that
called your attention to them?
A By the people there in the town. I made inquiry who they were.
Q Were they living there? A No sir they just come in.

- Q How do you know they just come in ?
 A They come in and get off the stage.
 Q Was there anything special that caused you to notice him and inquire as to who they were; did anything come up with reference to traveling, or anything ?
 A Nothing more than that the people appeared to be glad to see them.
 Q Well now after you saw them there in 1870 get off the stage, where did you next see them, and where were they ?
 A I don't remember. I know it was a good long while after that before I saw them again.
 Q Who was it that you saw get off the stage ? A Just the two.
 Q Give their names ? A Martha Brown and Pomp Brown.
 Q You didn't see anyone else ? A That's all the two I saw.
 Q The same woman goes by the name of Martha Gales ? A Yes sir.
 Q Do you know her now as Martha Gales ? A Yes sir.
 Q Do you know where they came from; did you have a conversation with them ? A Not in particular.
 Q When you next saw them after the time you saw them get off the stage at Fort Gibson where were they ?
 A I saw Martha Gales at Fort Gibson the next time I saw her. That was the time of the census roll there.
 Q The Clifton roll ? A I guess so.
 Q Did you know anything about where she had been living in the meantime ? A I think she had been living about Drusky Mountain.
 Q Where did you next see Pomp Brown ? A I saw him so many times I can't tell you where the first place was.
 Q Do you know where he was living ? A At Vinita a while. I saw him at Vinita and I thought I saw him here in a barbershop.
 Q Do you know where Martha or Pomp Brown had been ?
 A No sir.
 Q That was the first time you ever saw them ? A Yes sir.
 Q You had been back and forth to Fort Gibson trading ever since 1866 up to the time you saw them get off the stage, and never saw either of them before ? A No sir. That's the first time I ever saw them.

Examined by Lewis T. Brown:

- Q Where did you say you lived during the years 1867, 68 and 69 ?
 A I lived in 1867, 68 and part of 69 down here on the river, and then moved beyond the creek, down near Will Alberty's old place.
 Q How far is that from Fort Gibson ? A Twenty some odd miles.
 Q About twenty how many ? Is it 25 or 23 or 24 ?
 A It is called twenty five miles.
 Q When you told Mr. Davenport it was 15 or 20 miles from Fort Gibson you were mistaken were you not ? A Well I was just guessing at it just as I am doing now, I don't know yet how far it is.
 Q When was it you say you saw them in Fort Gibson ?
 A I can't state the year exactly; sometime about the first of the 70s, 73 or 74.
 Q You stated a while ago that it was 72 or 73 didn't you ?
 A It was somewhere along there. I think I was living beyond the creek at that time.
 Q When was it you say you next saw Martha Gales ?
 A I saw her at the Clifton enrollment at Fort Gibson.
 Q Well now where did she live from 72 or 73 when you claim you saw her at Fort Gibson until you saw her in 1896 at the Clifton court ?
 A I can't tell you.
 Q What's your information ? A They said at that time that she was living over about Drusky Mountain.
 Q That's in the Cherokee Nation isn't it ? A Yes sir.

Q Why do you remember seeing her so well, you say you do not remember who else got off the stage except them. What impressed that upon your mind that you should remember that for 30 years?

A Seeing them get off?

Q Yes sir. A I seen him get off and the reason why I know it, people were shaking hands with him and caused me to make inquiry you know.

Q Uncle Jerry did you ever see another man get off the stage in your life? A Oh yes lots of them.

Q Did you remember when they got off the stage?

A I remember some of them.

Q In 1872 and 1873, as you claim, there was no railroad going into Fort Gibson? A No sir.

Q Any one going from any point to Fort Gibson would necessarily have to come in there by wagon road? A Yes sir.

Q When was it you next saw Pomp Brown after 1872 or 1873?

A I can't tell you the next time I saw him, but I saw him in a barbershop.

Q Whereabouts? In Muskogee or Vinita I don't know which.

Q What year was it? A I don't know. I don't know what year it was.

Q You remember when you first saw him? A Yes sir.

Q Then why is it you cannot remember when you next saw him?

A I didn't keep no record of it.

Q Did you keep a record of the first time? A I was keeping a record at that time.

Q For what purpose? A I kept it in my mind. It was right after the war at that time. After 1866 I kept time pretty well.

Q For what purpose were you keeping a record as to when Pomp Brown came to the Cherokee Nation? A I kept a record of how many years I stayed at the river place and at the old place, and after that time I never kept a record.

Q For what purpose were you keeping a record as to when Pomp Brown returned to the Cherokee Nation? A I never had any.

Didn't I tell you it was on account of people being glad to see him the reason I made inquiry?

Q The reason you remember it is that people were glad to see him?

A I says "Who is them folks", and they says "Pomp Brown and his aunt", or some of his relations. Then Henry Scales made a remark about his trunk. He had a trunk he wanted somebody to haul, and Henry Scales made a remark about the trunk. He was trying to hire somebody to haul it to some house, and Henry Scales told him he says--

Brown: Don't repeat anything Henry Scales said. The question is objected to. Comes now the applicant and objects to the witness being allowed to relate any conversation that Henry Scales might have had with Pomp Brown for the reason that it is hearsay evidence and for the further reason that Pomp Brown and Martha Gales are both dead, and neither can be here to affirm or deny witness' statement.

The Commission: The objection will be noted. The witness will be allowed to answer the question.

Mr. Davenport: You started to tell about a trunk, go ahead?
A That's my reason why to know that.

Q Tell what they said to each other, That's what you started to say.

A Soles asked him "Why don't you carry your own trunk"? He said "I'm not going to carry it as long as I got money". He said "Look here nigger before you been here six months you will take your trunk on your shoulder and pack it yourself". By that reason I got to making inquiries. You wanted to know why I made inquiry about him.

Examined by Lewis T. Brown:

Q You remember that conversation that took place 30 years ago?

A Yes sir.

Q Uncle Jerry how many years was it from the time you first saw Pomp Brown at Fort Gibson until you saw him again?

A I can't tell you.

Q About how long? A 4 or 5 years. Maybe longer.

Q Where was he then? A In a barbershop, I can't tell you where it was.

Q Where were you living then? A Here on the creek.

Q You don't remember when you saw him? A I saw him the next time in a barbershop.

Q If in 1872 or 1873 Pomp Brown had been going to Fort Gibson from either Vinita or Muskogee, wouldn't it have been necessary for him to have taken the stage in order to go there? A Of course.

Q In order to go from any point in the Cherokee Nation wouldn't it have been necessary for him to have taken the stage to go there?

A Yes sir.

Q Mr. Alberty you know Mary Gregg a white woman who lived down near Webbers Falls? A No sir.

Q Where were you living in 1866? A Near Webbers Falls.

Q I will ask you if at that time a woman named Mary Gregg wasn't living there and is living there to-day?

Question objected to by attorney for the Cherokee Nation, and the objection sustained by the Commission.

Q Uncle Jerry did you know everybody that was in Fort Gibson in the fall of 1866? A No sir, never knowed all of them.

Q There were a great many people there at that time that you didn't know? A Lots of them.

Q Are you prepared to state that in the month of November, 1866, Pomp Brown was not in Fort Gibson? A No sir.

Q Did you know Bill Brown during his lifetime? A Yes sir.

Q He was there during that time? A I think he was, I wasn't acquainted with him at that time. I heard the name called a right smart, but I waen't acquainted with him.

Examined by Mr. Davenport:

Q You don't know of your own knowledge where Bill Brown was until you got acquainted with him? A No sir. First time I saw him was right here.

By Lewis T. Brown: When was that?

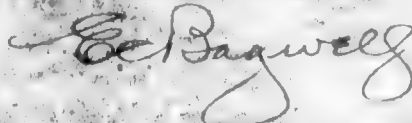
A Along in 1876 or 1879.

The Commission: This testimony will be made a part of the record in the following Cherokee Freedman cases: D 93, D 94 D 256.

Lewis T. Brown: In cases D 94 and 256 applicant objects to this testimony being thrown into it, for the reason that he has never been notified that this testimony would be taken on this day. And for the further reason that he has additional evidence which he intends to introduce, and has only been waiting until notice has been served upon him that the Cherokee Nation would present their testimony to produce it.

The Commission: It appears from the records of the Commission that the agent of the applicants Martha Gales and Susan Brown is also agent for the applicant Eula J. Hill whose name appears upon D 256, and that applicant is representing himself in case No. D 94; consequently the testimony will be filed in said cases.

F. C. Bagwell, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings had in the above entitled cause, and that the above and foregoing is an accurate transcript of his stenographic notes thereof.



Subscribed and sworn to before me this February 26, 1902.



Commissioner.

R
C. F. D.-94.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.P., March 3, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS ON BEHALF OF CHEROKEE
NATION, in the matter of the application of Lewis T. Brown for en-
rollment as a Cherokee Freedman.

Appearances:

Applicant in person;
L.B.Bell, of attorneys for the Cherokee Nation.

BY MR. BROWN: Applicant objects to the introduction of any tes-
timony tending to disprove his citizenship, for the reason that he is
the descendant of a person whose name appears upon the authenticated
roll of 1880, and that the decree of the United States Court of Claims
of date February 3, 1896, and number 17, 209, under which this Com-
mission is making a roll of Cherokee Freedman, strictly forbids the
introduction of any testimony of any testimony tending to disprove
the citizenship of any person whose name appears upon the authentica-
ted roll of 1880, and their descendants.

BY COMMISSION: The objection of the applicant is noted, and the
testimony will be taken.

PLEASANT N. BLACKSTONE, being first duly sworn and examined,
testified as follows:

BY MR. BELL:

- Q. Give him your name? A. Pleasant N. Blackstone.
Q. Your residence? A. Live in Muskogee now.
Q. Age? A. I am about 60 years old.
Q. Were you ever a resident of the town of Fort Gibson, Cherokee Na-
tion? A. Yes sir.
Q. When? A. From December '66 until about, I stayed there three years;
I can't be exact as to the time, but about three years.
Q. What were you doing there, what was your business? Well I first
worked for the quartermaster a little while there, and then I worked
for Mr. F. H. Nash there in the mercantile business; worked there
nearly three years.
Q. About what was the population of that town then? A. About a baker's
dozen.
Q. Leaving the soldiers out? A. About a baker's dozen; there was not
many but a small town.
Q. Was there a barber's shop in Fort Gibson when you stayed there?
A. Yes sir, I think so.
Q. Who had it? First barber shop I remember there was Henry Scates
and a fellow named Charley Foreman; that was when I first went there,
and later on I believe there was another shop by the name of Andy
Murrell.
Q. How long did Andy Murrell run his shop there? A. I don't know, I
think he was killed some time during the next Summer or Fall, of '67.
Q. Well he quit running it then did he? A. Yes, I think he quit run-
ning it, yes sir.
Q. Did you know who followed Andy Murrell, in that shop? A. I think
it was a fellow named Bill Brown.
Q. Bill Brown, was he a Freedman Cherokee or a white man? He was a
Cherokee Freedman I heard, he always claimed to be.
Q. Did you have any particular acquaintance with him? A. Yes, I knew
him for awhile.
Q. Was he the William Brown that is the uncle of this Martha Galeaf
that lives in this town, or a relation of her? A. I don't know that.
Q. Are you acquainted with Pomp Brown? A. Yes sir.
Q. Was he Pomp Brown's uncle? A. I understood so, I don't know it

of my own knowledge.

Q. Now I will ask you did this Bill Brown run a barber shop in Fort Gibson in '66? A. No sir.

BY LAWIS T. BROWN:

Q. I will ask you if Pomp Brown was in Fort Gibson in the fall of '66? A. I don't know. I don't think so.

Q. Do you swear he was not there? A. No, but I never saw him, nor never heard of him.

Q. There were possibly a great many people that you did not see, and never heard of were there then? A. It was a small place, and I would have been apt to see them or get acquainted with them.

Q. You knew every colored person that was in Fort Gibson in '66?

A. I think I know everybody there.

Q. Did you know every body there? A. I guess I did.

I want to know whether you swear positively that you did? A. No I wont swear that.

Q. Now you stated in answer to Mr. Ball's question that there were about a baker's dozen there; now name this dozen that were there in '66? A. Well I aint going to try that.

BY COMMISSIONER:

Q. Can you do so Mr. Blackstone? A. No, I couldn't tell it that way.

BY BROWN:

Q. You say you knew everybody that was there? A. Yes sir, I did I think.

Q. What was about a dozen there? A. Oh there were more than that, I didn't know the soldiers.

Q. Isn't it a fact that there were as many as three or four hundred negroes around there during the year? A. I don't know how many there was around there, there was a good many that was there; it was a small place, I don't know how many.

Q. Isn't it a fact that there were as many as three or four hundred?

A. No, I don't know that.

Q. You wont swear there was that many? A. No, I wont swear there were or wasn't.

Q. You didn't know all the colored people in town? A. I think I knew pretty near every colored man in town.

Q. Did you know all of them? A. No, I wont say that.

Now Mr. Blackstone, when did you first see Pomp Brown? A. First time I remember I ever saw Pomp Brown was in here in this town.

Q. What year was that? A. I don't remember, but he was here, barber.

Q. How long was it after you left Fort Gibson? A. Oh I left Fort Gibson in '69 or '70, I wont be certain which; '70 I guess.

It was in '70 you saw him? No, No no.

Q. When was it you saw him the first time? A. After I lived here in town.

Q. How long was it from the time you left Fort Gibson until you saw him? A. It might have been five or six years.

Q. Then if you left there in '69 or '70, you saw him in '74 or '75? A. I didn't say either. I don't live there here; I lived on the river, four or five years before I come here.

Q. About what year did you first met Pomp Brown? A. I can't place the year, but after I moved to town, I moved to town, I moved here in '73, and after I come here.

Q. You moved to Muskogee? A. Yes sir.

Q. Add Pomp Brown was here after you moved to Muskogee? A. That is the first time I ever saw him.

Q. That is the Pomp Brown you were talking about? A. Yes, the one that was killed up here in this stable.

Q. You are positive that you moved to Muskogee in 1893? A. Yes sir.

Q. And it was after that time you saw Pomp Brown? A. No, I moved here in '85 I guess.

Which is it, '83 or '85? A. '85.

C. F. D-94

Q. How long was it then from the time you moved here until you saw Pomp Brown? A. Oh I don't know.

Q. About how many years? A. I don't know.

Q. Give us your best judgment? A. Oh I couldn't tell you, I won't try. Q. I want you to give us some kind of an estimate? A. After I moved here he was a barber here, I don't know how long he had been here or anything about it; he was here when I first moved here, but after that he moved here.

Q. How long after that was it? A. I don't know.

As much as four years? A. It might have been, and it might have been one year, I don't know.

Q. That as near as you can come to it? A. Yes sir.

Q. You are positive you moved here in 1882? A. Yes sir.

Q. You say some time from the time you moved here in '83 until Pomp Brown came here and ran a barber shop in the city of Muskogee?

A. I don't know whether he run a barber shop when he was killed here or not; I forget, he run a barber shop in Vinita.

Q. Did he run a barber shop in Muskogee any of the time from '83 down to when he was killed? A. Yes sir.

Q. You swear that do you? A. Yes sir, in the summer.

Q. It was after 1883? A. Yes sir, I think so.

You are positive that it was after you come to this country?

A. Yes sir.

Q. That is, to Muskogee? A. Yes sir.

Q. And you came here in '83? A. Yes sir.

Q. And this Pomp Brown ran a barber shop in Muskogee before 1883?

A. Yes sir.

Q. In the fall of '86 there were a great many colored people coming to Fort Gibson? A. I didn't see a great many.

Q. Did Pomp Brown come? A. I never saw him.

Q. You are not going to swear positively that Pomp Brown was not there in '86? A. I am going to swear I never saw him.

Q. Will you also swear positively that Bill Brown didn't run a barber shop in Fort Gibson in the fall of '86? A. Yes sir, I will swear that he was not there.

BY MR. SWELL:

Q. Your business was clerking in the dry goods store there was it not? A. Yes sir.

Q. People of the town trading in there? A. Yes sir.

Q. And that was your means of knowing these folks? A. Yes.

BY BROWN: Wait a minute; you are asking for conclusions.

F. H. Nash, being first duly sworn, and being examined, testified as follows:

BY MR. SWELL:

Q. Give him your name, Mr. Nash? A. F. H. Nash.

Q. Post office? A. Fort Gibson.

Q. Your age? A. 35.

Q. How long have you resided in Fort Gibson? A. About 49 years.

Q. Were you in that town in the year 1866? A. Yes sir.

Q. What was your business there? A. Merchandising.

Q. Was there a barber shop run in that town during the year '66 that you recollect of? A. Best of my recollection there was, yes sir, '66 and '68.

Q. Do you know who owned the shop? A. Andy Murrell, that is the best of my recollection.

Q. Do you know who barbered for him? A. Well it strikes me a man named Charley Foreman; he didn't run it himself, but to the best of my recollection Charley Foreman run it.

Q. Now I will inquire if you was acquainted with one William Brown, a colored man, who did run a barber shop in Fort Gibson?

A. Yes sir, he afterwards moved to Muskogee I think.

Q. He is dead now is he? A. Yes sir, so I have been told.

Q. Then was it he ran a barber shop in Fort Gibson? A. It was after Murrell was killed I think, to the best of my recollection.

Q. And when was Murrell killed? I was, I will not be positive, but it was either in '67 or '68, it strikes me though it must have been '68, early in '68, it was either '67 or '68.

Q. During the year 1866 did you see anything, or was Bill Brown running a barber shop in the town of Fort Gibson? A. Not that I recollect of it at all; I have no knowledge or recollection of it.

Q. How far was this shop of Murrell's from your place of business?

A. Oh, it was probably a hundred yards or such matter; I don't remember exactly how; it was across the street though, it strikes me. Had a shop at one time on the same side of the street, and then afterwards across the street; it strikes me it was across the street.

Q. Did you have any work done for yourself in that barber shop? A. Yes sir, I have been shaved there.

Q. You didn't see Bill Brown in the year '66 shaving there? A. No sir not that I recollect.

BY LEWIS T. BROWN.

Q. When did you first become acquainted with Bill Brown? A. It was after he went into the barber business; after Murrell was killed.

Q. When was that? A. '67 or '68, I am not positive.

Q. If this man Murrell was killed on the third day of March, 1868, then Bill Brown run a barber shop after '68 did he? A. It was after Murrell was killed I think, I don't remember when Murrell was killed; I see you have got the date, I guess it was about '68.

Q. Now Mr. Nash, was Bill Brown in Fort Gibson in the year '66?

AB Not that I remember; I have no recollection of it.

Q. There were a great many people around there at that time, were there not? A. No sir, not a great many.

Q. There was more than a baker's dozen, wasn't there? A. Oh yes sir, there was soldiers there.

Q. There were as many as three or four hundred colored people around there? A. Yes sir, I expect there was.

Q. You were in business there at that time, as other merchants were? A. Yes sir.

Q. You didn't try to keep any record there as to when people came and went out? A. No sir.

Q. Nor do you propose to state the exact year that some man ran a barber shop in Fort Gibson some 35 or '6 or '7 years ago?

A. No sir.

Q. You are only testifying as to your best recollection? A. That's all.

Q. You can't swear positively that Bill Brown was not there in Fort Gibson in '66 can you? A. No sir, I can't.

Q. Did you know Pomp Brown during his life time? A. Old Pomp? Yes? A. Yes sir.

Q. When did you first get acquainted with him? A. Before the war, no, I am thinking of Pomp Thompson; I don't remember Pomp Brown; I might know him if I was to see him, but I don't remember him.

Q. You won't swear that he was not there in the fall of '66? A. No sir, I couldn't swear he was or he was not.

Q. Nor do you swear positively that Bill Brown was not running a barber shop there in '66? A. My impression is that there was but one shop, run by Andy Murrell; and Bill Brown bought it after Andy Murrell was killed.

Q. That was about 36 years ago? A. Yes sir.

Q. And your memory is not clear entirely upon that point? A. It is as clear as any one else's I expect could be.

Q. You won't attempt to swear that he did not run a shop there in '66? A. No sir, but I don't think he did, to the best of my recollection he did not.

BY MR. FELL.

Q. You were asked the question if there was not three or four hundred colored people around there; do you mean in the town, or in the country around there? A. Oh scattered out in the suburbs, they were

there,--the cholera was I think in '67 was it not; there was a great many colored people and the cholera was so bad that the commanding officer moved them to Four Mile Branch, give them tents to live in and rations to eat and burned up their cabins, and there were then very few about Fort Gibson from that on until quite a length of time on, most all of the colored people moved out of Fort Gibson in '67, and that makes me believe more finally yet that there couldn't have been but one barber shop there, because there was not many colored people in Fort Gibson in '68; they had moved out.

BY BROWN:

Q. And that is why you testify as you have? A. Yes sir.
Q. You didn't own the only store in Fort Gibson in '66 did you?

A. No sir.

Q. Well Hip Blackstone used to work for you there? A. Yes sir.

Q. And his duties were at your store, and not at Somebody else's store? A. Oh I guess he was in some body else's store too; I don't suppose he confined himself strictly to my store; and he worked for the Government before he worked for me, in the quarter master's department, some six or eight months I think.

McCOY SMITH, being first duly sworn and examined testified as follows:

BY MR. BELL:

Q. What is your name? A. McCoy Smith.

Q. What is your residence? A. Canadian District.

Q. Age? A. 55.

Q. Where were you in 1866? A. Over here on Canadian until the latter part.

Q. Did you live about Fort Gibson in '66? A. I come there in November '66.

Q. What time in November, if you recollect? A. About the first.

Q. Do you know who was running a barber shop there in November 1866?

A. Andy Murrell.

Q. During that month of November, 1866, did you ever see one William Brown, Freedman, in that shop running it? A. No sir, never did.

Q. Well did he run that shop any time after you come there during the year 1866? A. I never saw him there until, oh it was 4 or 5 years after that ~~the time I saw Bill Brown~~ before I saw Bill Brown there; I don't know exactly when it was, but it was 4 or 5 years after that.

Q. Well you knew William Brown did you? A. Yes sir.

Q. Was he Pomp Brown's uncle? A. I didn't know Pomp Brown.

Q. Do you know what became of that William Brown? A. I understood he died here at Muskogee.

Q. He moved away from there and came to Muskogee did he? A. Yes sir.

BY BROWN:

Q. You state now ~~Mr. Murrell~~ Mr. Smith that Andy Murrell ran a shop there in November '66? A. Yes sir.

Q. How long did Andy Murrell run that shop? A. Until I think about '68 when he was killed.

Q. Then he sold out did he, to who? A. I didn't know he sold out to any body; I think that Henry Scales and Charley Foreman I think run that shop after that.

Q. Now your recollection is Andy Murrell run that shop and sold out to Henry Scales? A. No I didn't say he sold out.

Q. Well Henry Scales ran the shop after Andy Murrell? A. Yes sir.

Q. When did you first see Bill Brown in your life? A. That was about, oh I don't recollect exactly when it was.

Q. About that year? A. It must have been about '68 or '69, or '70, I saw him down there at Gibson.

Q. What was he doing there? A. He wasn't doing anything when I saw him.

Q. That is the first time you ever saw him in your life? A. No, I knew him before the war. Q. Now the first time you ever saw him after

the war was in '69?

A. Yes, somewhere along that time, '69 or '70.

Q. There were a great many people colored people around Fort Gibson in '66 and '7 and '8? A. Yes sir.

Q. It was impossible for you to know all of them? A. It was impossible for me to know all of them, and a heap of them I never did know.

Q. Pomp Brown might have been there in '66 and you not have known it? A. Yes, he could have been there and I never did know him.

Q. All that you know about it is that some man ran a barber shop, name dandy Murrell, there in '66? A. Yes sir.

SALLIE LOVING, being first duly sworn and being examined testified as follows:

BY MR. HASTINGS:-

BY BROWN: I would like for the record to show that during the examination of the three former witnesses this witness was in the stock room.

WITNESS: I was standing there by your lawyer at the door; I suppose you can prove it by him; he will tell you I was standing there by him, giving him a pointer too.

BY MR. HASTINGS: Did you hear the statement of these other witnesses? A. I didn't hear it.

Q. What is your name? A. Sallie Loving.

Q. What is your age? A. I was born in '61 in March.

Q. Did you ever know a colored man named Pomp Brown? A. Yes sir.

Q. Where did you know him? A. In Fort Scott; I went to school with him.

Q. When was that? A. In the sixties.

Q. Well did you know him after that? A. I knowed him in Humboldt.

He was running a barber shop in Humboldt, and I went therein '69 and I left there in '72, and he was still running a barber shop.

Q. Did you leave him there? A. Yes sir.

Q. Did you know Martha Gales? A. Yes sir.

Q. Where did you know her? A. In Fort Scott.

Q. When? A. In the sixties.

Q. How long did you continue to know her? A. Up until she left there in '84.

Q. Did she live there all the time up until 1884? A. I never missed her out of the town ~~there~~ while I was there..

Q. Did you know Susan Brown? A. Yes sir.

Q. Where did you know her? A. Went to school with her.

Q. Where at? A. Fort Scott.

Q. Did you know their mother? A. Aunt Ibbie? Yes. A. Yes sir.

Q. How long did you continue to know Susan Brown in Fort Scott? A. I left there in '69 and when I come back in '72 she was still there.

Q. Between '69 and '72 you were at Humboldt? A. Yes sir.

Q. And there you knew Pomp Brown? A. Yes sir.

Q. Did you know Bill Brown? A. Slightly; he left there before I got acquainted with him much..

Q. You don't know just what time he left? A. No, I don't know.

BY BROWN:

Q. How old were you Mrs. Loving, when you left Fort Scott?

A. I was going into 9 years old. Q. And how long did you remain away from there?, you say? A. From '69, I went there and stayed until '82.

Q. Now then you say you went to school with Pomp Brown? A. Yes sir.

Q. During what year? A. In the sixties. School started in I think '65, and I went to school until I left there in '69; he was a big

fellow; what you would call a young man. Well he was a man, looked more like you.

Q. That is the Pomp Brown you talk about? A. Yes, that is the Pomp Brown.

Q. When did you say you returned back to Fort Scott? A. '72.

Q. And at that time you left Pomp Brown at Humboldt, Kansas, running a barber shop? A. Yes sir. From there he either went to Chanute or Texas I won't know which.

Q. Or the Cherokee Nation? A. No, I don't think he went to the Cherokee Nation until later on.

Q. You don't know when he went to Humboldt? A. I don't know, he was there when I got there in '69.

Q. When did he leave Fort Scott? A. He must have left some time in '69 or some time I think along in there.

Q. You say you don't know when he left, but you found him in Humboldt now when did he leave Fort Scott? A. He might have gone on one train and not on another.

Q. When did he leave Fort Scott; that is what I want to get out?

A. I left therein '69; I don't know when he left.

Q. You don't know where he went when he first left? A. No, I don't know.

Q. He might have come to the Cherokee Nation when he first left?

A. Yes, he might have.

Q. You won't swear that he didn't? A. No, I am not swearing only to what I know.

Q. Well now in November 1866 where was Pomp Brown? A. He must have been in Fort Scott.

Q. How do you swear positively that he was? A. Yes, I have no other reason to say so, because I never went to school over three years, hardly three.

Q. About how old were you in '65? A. I was past four years old.

Q. You went to school then when you were four years old? A. Yes sir, I was lots smarter than lots of young ones now eight or ten, from all accounts I can get.

Q. When did you quit school? A. '69.

Q. You went to school four years then? A. No.

Q. You started in '65 and quit in '69? A. Well in that neighborhood I said two or three years, three or four years, yes.

Q. I believe you stated in another case that you were married when you were 12 years old? A. Yes sir.

Q. How long was it from the time Pomp Brown left Fort Scott until you were 12 years old? A. What?

Q. How long was it from the time that Pomp Brown left Fort Scott until you were 12 years old? A. Well I was 12 years old when I was 12 years old; I left there in '69, I come back, I was past ten when I started back to come home, past eleven.

Q. What I am trying to get at is this: understand my question; how long was it from the time Pomp Brown left Fort Scott, until you were 12 years old? A. I don't know the time he left there; I didn't keep any blocks on him; I don't know what time he left here; I knew he was there; I know he went to school; I don't know how long he went to school.

Q. He didn't go to school all the time with you? A. I don't suppose he did. I had to help my mother also half a day and go the other part of the day.

Q. He might have left there in the fall of '66 and you not know it?

A. No, I don't think he did, I don't think he left there in '66. I couldn't positively say what year it was he left there.

Q. You say you and he went to school together? A. Yes sir.

Q. And he didn't go to school all the time that you did? A. He was living there and I think, I don't know when he left.

Q. When he was not going to school where was he? A. How did I know?

End of record.

Q. You wouldn't swear he was in Fort Scott when he was not going to school? A. He was liable to have been.

Q. Liable to have been anywhere else as there? A. Yes for a short little time.

Q. Well so it is a minute? A. Yes, as it is '66, I see what you are at.

Q. From '69 until '72 you were away from Fort Scott and lived in Humboldt, Kansas? A. Yes sir.

Q. Pomp Brown was there then? A. Yes sir.

Q. Now I want to ask again ask you how long it was from the time Pomp Brown left Fort Scott until you were 12 years old? A. I don't know without taking time to count it up.

Q. Please take time, take all this evening, A. I don't have to. I was 12 years old when I was 12.

Q. Now how long was it? A. I am liable to be 4 or 5 years older than that; I was only told by the mother's a young master, I was liable to have been older, I couldn't have been any younger; I am counted in the State of Kansas the youngest mother, and the youngest grandmother.

Q. Please answer my question? A-

BY COMMISSION: Can you answer the question?

BY MR. HASTINGS, of Attorneys for Cherokee Nation: That is objected to by the representatives of the Cherokee Nation, and as not being proper cross examination.

A. Not without I take time to count it up I say; I left there in June 1869, and when I went to Humboldt he was there.

BY COMMISSION:

Q. When did you last see Pomp Brown before he went away? A. Oh must have seen him two or three months before he was killed.

Q. How long before you left Fort Scott did you see Pomp Brown?

A. I don't know. It might have been two years and it might have been one.

Q. You have absolutely no idea how long it was? A. No sir, I know it was in that time he was there.

BY BROWN:

Q. You were only five years old in '66? A. From the way I count it, yes sir.

Q. You know your age? A. I don't really know it? I haven't got my age down; I was only told that I was that old; I am liable to be older. I couldn't be younger. I have got a pretty good memory for a child of that age. The folks at home say so, that's all I have got, somebody's word.

Q. In reference to the time that Martha Gales left Fort Scott is it not a fact that when you went away from Fort Scott in '69 and after you returned in '72 that Martha Gales was not there? A. She was in Fort Scott.

Q. After you returned from Humboldt? A. Yes sir.

Q. After '72? A. Yes sir. She run a barber shop in front of Vanberg's clothing store; her husband, Ed Henderson, run a barber shop; she shaved along by the side of him; every old settler in this house knows that.

Q. Did she live there continuously from '72 until '84? A. Without she was gone when I went in '72.

Q. Then if Jerry Alberty testified that he saw her and Pomp Brown in Fort Gibson in '74 he might have been mistaken? A. I know she went on a visit. Q. She might have been gone as much as a month? A. Yes sir, might, I don't know.

Q. When you were five years old might she not have been gone a month or two? A. Yes, that is what I say, she might have been gone a month. Q. When you were five years old might not Pomp Brown

have been given a copy of the testimony. Yes sir.

Q. All these cases were put in the same book?

Q. You have the same book in the case of Rocky Webber are you not?

Q. Do you not remember that I was going to see Rocky Webber and had stay a week; I could not talk to him because I don't remember; I missed him because he was out of there; I don't remember.

BY COMMISSIONER: I shall now give a copy of the testimony of this witness in the case of Rocky Webber, D-115, made a part of the record in the case at bar, and also in D-92, Martha Galus, and D 93, Susan Brown and D 88 Ella J. Hill.

BY COMMISSIONER: The testimony in this case will be made a part of the record in Charles Freedman doubtful cases D 92 D 93, D 254 and the case at bar.

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) M. D. Green.

I, Frances S. Botafalu, being first duly sworn do state that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing copy and that the same is a true and complete copy of the original transcript.

Frances S. Botafalu

Subscribed and sworn to before me this 14 day of April, 1902.

Richard D. Beatty

Notary Public.

File in 44 D 71

R.
O. F. D-435.

Department of the Interior,
Commission of the Five Civilized Tribes,
Muskogee, I. T., March 9, 1902.

Supplemental testimony on behalf of Cherokee Nation, in the matter of the application of Becky Webber for the enrollment of herself as a Cherokee citizen.

Appearances:

Mr. Hollette, of Hollette & Smith, Vinita, I. T. attorneys for the applicant;
W.W. Hastings, of attorneys for the Cherokee Nation.

Sallie Lovings, being first duly sworn and being examined testified as follows:

By Mr. Hastings:

- Q What is your name? A Sallie Lovings.
- Q What is your postoffice? A Fort Scott, Kansas.
- Q What is your age? A Born in '61, in March.
- Q Born in March, '61, where were you born, Fort Scott? A Nevada, Missouri.
- Q When did you come to Fort Scott, Kansas? A '63.
- Q You were two years old? A Yes sir.
- Q Did you ever know a colored woman up there named Becky Webber? A Yes sir.
- Q Did she have any children, the Becky Webber, you knew? A Yes sir.
- Q Give some of their names? A Well there's one, boy named Fobby.
- Q You know whether that was a nick name? A Yes sir, that was a nick name.
- Q What was his correct name? A Why I have forgotten now, Lewis.
- Q Did she have another one? A She had two girls.
- Q What were their names? A One of them was named Lydia and the other one was, the, oh I can't, aint that funny, I can't remember their names, Lydia and I can't think of the other one.
- Q You think of any other boys name besides Lewis? A Their names are on the end of my tongue, but I can't call it, it has been so long since I saw them; one of them's name was Lydia.
- Q Now think about the boys' names? A Lewis, called him Fobby, nick name.
- Q Any other boy you think of now? A No, if she had another one I don't remember it now.
- Q You remember a boy named Ellis, you remember? A I have heard the name.
- Q Do you remember him? A No sir.
- Q How long did you live in Fort Scott continuously? A From '63 until '69.
- Q Do you know where Becky Webber was when you left there in '69? A I think she was over across Mill Creek, lived near the magazine.
- Q How far was that from Fort Scott? A About a mile or such a matter I don't think it was any further.
- Q Did you afterwards come back to Fort Scott? A Come back in '72, yes sir.
- Q Was Rebecca Webber there then? A Yes sir.
- Q Well about when did she leave there? A Well she didn't leave there a great while ago, might have been in '80, '70 or '80 or '9 I think in there somewhere, to the best of my knowledge.
- Q Well did you live there after you came back in '72, continuously? A Yes sir.
- Q Where did they live in '72 when you came back over there, near the magazine, or had they moved? A No I don't know where they lived.
- Q You know whether any of these children attended school or not? A Yes sir.

- Q Did you go to school there too? A Yes sir.
- Q Go to school together? A Yes sir.
- Q That was after you got large enough to go to school? A Yes sir, went to school with them two or three years.
- Q You were born in March, 1851? A Yes sir.
- By Mr. Hellette:
- Q Are you a married woman? A Yes sir.
- Q How long have you been married? A Since 1877.
- Q How old were you when you were married? A I was 12 years old.
- Q 12 years old when you first married: you were married in '77, you are certain about that now, are you? A Yes sir.
- Q You say from '61 to '77 is 12 years do you? A Well that is when I was married.
- Q You remember when you were first married? A Yes, I do.
- Q When were you first married? A 5th day of September, '77.
- Q How old were you when you were first married? A I was 12 years old.
- Q That is all the knowledge you have of it is it? A Well that was the date that my mother's young master gave me, of course I was born in slavery; I was born in '61.
- Q Where were you born? A Nevada, Missouri; there is no colored people hardly ever asked in the early days about birth.
- Q Were you ever in jail? A Many a time, for fighting about my husband.
- Q How many times were you in jail? A I don't know; any time any woman got after him I whipped her; anybody will tell you that.
- Q Give us an idea of how many times you have been in? A I don't know; I never kept count; I was in jail nearly the whole four or five or six years while I lived with him.
- Q Have you ever been in jail since then? A No sir, only on false pretences, when he tried to get me to live with him and I beat him and I have got a witness for it; that is the only man I ever married.
- Q Have you any children? A Yes sir.
- Q How old are they? A My daughter is 27 years old.
- Q 27 years old? A Yes, she is 27 years old.
- Q She was born before you married then? A Yes.
- Q How long before you married your husband? A Well, she, was, I have got 2 children.
- Q You were married in '77? A I have got two children, both of my children were born before I was 17 and before I was married.
- Q You have been married then about, your daughter was born about how long, about two years before you were married, that right? A Yes sir.
- Q Then you wasn't but ten years old at the time your daughter was born according to your testimony; you say you were married when you were 12? A Yes, I was.
- Q You stick to that do you? A Yes, as near as I was told.
- Q You came to Fort Scott in '63? A Yes sir.
- Q You were 2 years old at that time? A Yes sir.
- Q You remember the event well do you, when you came to Fort Scott? A Yes, I remember a little about it.
- Q You remember a little about when you were 2 years old? A Yes sir.
- Q You remember seeing Becky Webber as soon as you got there? A No, all I remember the government soldiers bringing them in there by the hundreds; she was with the rest of them.
- Q You lived there and left there in '69? A Yes, and stayed until '72.
- Q You were eight years old then when you left there? A In the neighborhood of that.
- Q You had seen Becky Webber frequently before you left there, and you remember her now? A Distinctly; I remember her distinctly, and all the rest of them.

Q Ever seen her since then? A Yes, I have.
 Q Where was she in '66? A She was in Fort Scott.
 Q Do you remember that do you? A I am pretty certain she was.
 Q Do you remember she was in Fort Scott in '66? A If she come with the rest she was there, and she certainly came with the rest.
 Q Do you remember her being in Fort Scott in '66? A Yes sir.
 Q You swear she was there? A Of course I do.
 Q You were five years old at that time? A Yes sir.
 Q And you saw her? A Yes sir, if I could remember her at two years I could remember her at five.
 Q Do you remember it at two? A Yes, I do; and there's lots of people in this house knows I do.
 Q How old a woman was Becky Webber in '66? A Well from the first time I saw her I judge her to be about 40 or 50 years old. She was an old woman then.
 Q You left Fort Scott in '69 and came back in '70? A Yes sir.
 Q Becky Webber was living in Fort Scott all the time you were there? A Yes sir.
 Q You remember that distinctly? A Yes sir.
 Q When were you first asked about this? A Last fall I think it was.
 Q Last fall was the first time you had your attention called to this matter? A Yes sir.
 Q You remember it then forty years back, seeing Becky Webber in Fort Scott, when you were five years old? A Yes sir, I remember it.

Richard Drake, being first duly sworn and being examined testified as follows:

By Mr. Hastings:

Q What is your name? A Richard Drake.
 Q What is your age? A About 58.
 Q What is your postoffice? A Fort Scott.
 Q How long has that been your postoffice? A Since 190.
 Q Did you ever know a colored woman up there by the name of Becky Webber, Fort Scott, Kansas? A Yes sir, I know her.
 Q When did you learn to know her? A About the time I lived in Fort Scott, soon after.
 Q Did this Becky Webber you remember that you know have any family or children? A I think she had two sons and two daughters, I think.
 Q What are the names of her sons? A I think one of them was named Ellis Webber.
 Q What was the other one's name? A Lewis, I think.
 Q What was her daughter's name if you remember? A I think the oldest daughter was named Lucinda.
 Q You recollect the other one? A The other one I just can't call the other one just now.
 Q How long did you continue to know Becky Webber there in Fort Scott after you came there, learned to know her in '70? A Until along about, I guess it was about '92 or '93, the last I saw of her.
 Q Did you know her continuously from that time up until '92 or '93? A Yes.
 Q Keep house there? A Well I think in '92 or '93 she went out in Colorado and came back there.
 Q I mean from '70 up until '92 or '93? A Oh yes, they had a house there.
 Q Ellis lived there all this time? A No.
 Q How long did you know Ellis there after you were there from '70? A Well best of my knowledge Ellis left there about '74.
 Q How about the rest of those children? A Well I think the oldest daughter left there shortly after Ellis did, or possibly before.
 Q Ellis living there with his mother when you first knew them? A Yes sir.
 Q And for about four years afterwards? A Yes sir.

- Q I remember how long this woman was gone away from there in '92
- A No, I don't know exactly the time.
- Q You know how long she was gone, I say? A No, I say I don't know exactly the time.
- Q Does she live up there now? A Not that I know of.
- By Mr. Mellette:
- Q Where was Becky Webber the applicant, in '88? A I don't know.
- Q When did you see Becky Webber last? A Well the last, it was along about '92 or '93.
- Q Do you know whether she is the Becky Webber that is applying here for citizenship or not? A Do I know whether it is? Well if I would see her I could tell you.
- Q Well I know, but you don't see her? A No.
- Q You don't know whether the Becky Webber you are talking about is the Becky Webber that has applied here for enrollment do you?
- A That is my judgment, it is.
- Q You don't know anything about it do you? A Well I understand from what the examining is it is her.
- Q Yes, but you don't know anything of your own knowledge? A Well if she was before me I could state it was her.
- Q Yes, but she is not before you, are you going to swear that the Becky Webber you are talking about is the Becky Webber that has applied for enrollment? A I don't know no other one.
- Q Is the Becky Webber that you are talking about the Becky Webber that has applied for enrollment here? A Well in my judgment it is.
- Q What makes you judge it? A Because I don't know any other.
- Q Do you know all the Becky Webbers in this country? A No sir.
- Q It might be an entirely different Becky Webber? A If it was her sons wouldn't be, they would have different names.
- Q Are you arguing this case or testifying; you just answer plain out that you don't know whether the applicant is the one you knew up there in Kansas or not, do you? A Well, I do.
- Q Do you? A I think she is the same woman.
- Q Why? A Why.
- Q Yes; have you ever seen the applicant, the woman that applies here as a Cherokee citizen? A I have not seen her lately.
- Q You don't know that she is the one you saw in Fort Scott do you?
- A Not unless I see her. Of course I couldn't see her.
- Q That you are not going to swear that she is the same one are you?
- A Yes sir.
- Q How do you happen to swear that? A Because, her name is here in the list.
- Q Maybe it is some other Becky Webber? A I don't think it is.
- Q Why don't you think it is? A You aint asked me about any other.
- Q Not talking about that; do you know the Becky Webber that has applied for enrollment is the one you knew in Fort Scott? A Yes sir.
- Q Were you here when Becky Webber made her application? A No sir.
- Q Did you ever see the woman before the Dawes Commission? A No sir.
- Q How could you swear that she is the one you knew? A How could I know the boy.
- Q Then you swear that she is the one you knew in Fort Scott, do you swear it? A Yes.
- Q Why do you swear it? A Because she is the one they are asking me about.
- Q Not talking anything about your asking you anything; I am talking about you, what you know as to whether she is the one you knew in Fort Scott; go ahead and explain yourself? A I think I have explained it.
- Q You swear that is the woman you - the one that applied for citizenship is the one you knew in Fort Scott, and you have never seen the woman that applied here have you? A I saw her in '92.
- Q Have you ever seen her since she applied or at the time she applied? A No, not since I haven't.
- Q Then you swear positively that she is the same one you knew up there in Kansas do you; yes or no? A Yes.

- Q Yes, she is the one, you say; you want it to stand that way?
 A Yes sir.
- Q Where is she now? A I don't know.
- Q Where does she live? A I don't know that.
- Q When did you last see her, the woman you are talking about?
 A I think it was about in '92.
- Q Never heard of her since that time? A I never heard of her until to-day.
- Q Where did she go from Fort Scott, she left you said didn't you?
 A I said she went to Colorado.
- Q The woman you are talking about went to Colorado? A Yes, but she come back.
- Q How do you know? A Because I saw her.
- Q Where did she go the second time? A I don't know.
- Q You don't know where the woman went, north, south, east or west from Fort Scott do you? A No, not the last time I saw her I don't.
- Q You know whether she is in the Indian Territory or not? A No I don't.
- Q Then how do you swear she is the one that has applied here? A How do I?
 Q Yes. A (No response)
- By Mr. Mellette: I will withdraw that question.
- Q Now where was Becky in '76? A I don't know.
- Q You didn't see her in '76 did you? A Not, to my knowledge I didn't.
- Q She might have been down in the Territory in '76? A She might have and I wouldn't have known it.
- Q You don't pretend to have kept track of her all the time? A No sir.
- By Mr. Hastings:
- Q The Becky Webber you knew had a son named Ellis? A Yes sir.
- Q And a son named Lewis? A Yes sir.
- Q And she had two daughters that you have mentioned? A Yes sir.
- Q Is that the way you identify this woman and her family? A Yes sir, that's exactly it.
- Q Did you miss this woman from '76 to '92? A O yes sir, in between that time she left there; the Pacific road was built along by there where she had a little piece of property, and that is the way I first the thing, and I think during the time the Pacific Road bought that property.
- Q And then she left there? A Yes sir.
- Q About what time was the Pacific road built? A Well I think it began along about '81 or '8, somewhere along there.
- By Mr. Mellette:
- Q Where was Lydia Webber in '78? A I don't know.
- Q How? A I don't know.

Elizabeth Davis, being first duly sworn and being examined testified as follows:

- By Mr. Hastings:
- Q What is your name? A Elizabeth Davis.
- Q What is your age, Mrs. Davis? A 37.
- Q I believe you have testified that Fort Scott has been your postoffice since '57? A '63.
- Q You live there now? A Yes sir.
- Q Do you know a colored woman up there by the name of Becky Webber?
 A Yes sir.
- Q Did you know any of the members of her family? A I was not personally acquainted with the members of her family, but she has a boy named Ellis and I know a daughter Lurinda and Lydia; that is all I know of the children; all I ever saw of them.
- Q Where did this woman live? A She lived over on, they called it Toad Lope; the Pacific Road built right through her place and part of her lot.

Q When did you first learn to know her and her family? A Well knew her in '64 and '61.
Q How long did you continue to know her? A Oh, I knew them until up in the year 1880.
Q Ever do any work for you? A No, no, no, she never did any work for me.
Q She own property up there? A Yes sir. She worked at the Wilder House, a hotel.
Q You know when Ellis left there? A No I couldn't say, left there quite a while after the railroad went through there.
Q This woman had a son named Lewis, did she? A I don't know, I know Ellis, that's all I know.

By Mr. Mellette:

Q Where was Becky Webber in '66, Mrs. Davis? A I don't know, but I think she was in Fort Scott, she had a home there then.
Q You don't remember back how seeing her in any particular year can you? A No, I remember seeing her though every year and often, she visited a colored lady that lived close to me often there.
Q You didn't keep close watch on her did you? A No, I had no occasion to keep close watch on her.
Q You just paid such attention to her as you would ordinarily pay to a colored family in the neighborhood? A Yes, she was a nice, good woman, and a woman that everyone liked.
Q When were you first talked to about this matter? A I have never been talked to about it yet.
Q Nobody ever mentioned it to you until you come on the stand here? A I think some one did say something to me to-day.
Q You didn't know when you came down here that you were going to be asked about Becky Webber? A No.
Q And you never thought anything about Becky Webber particularly? A No.
Q As a matter of fact they told you to-day about Becky Webber and you remembered back 32 years? A It has not been 32 years since I saw her, I remember her very well, and very distinctly.
Q You know whether she came to the Cherokee Nation, the Indian Territory during the time you knew her, in Fort Scott? A I don't know, I know she went to Colorado once for her health.
Q She went to Colorado, but you don't know whether she went to the Territory or not? A No sir, I do not.

Minerva Runyon, being first duly sworn and being examined testified as follows:

By Mr. Hastings:

Q What is your name? A Minerva Runyon.
Q What is your age? A 48, I am in my 48th year.
Q Postoffice Fort Scott? A Fort Scott.
Q How long has Fort Scott been your postoffice? A Since '62.
Q Did you know a colored woman named Becky Webber? A Well, I, just slightly, yes.
Q Did you know her family? A Well some of the children I know.
Q You remember any of their names? A There was Linda and Ellis, I believe that's all the names I can call, they never lived in our neighborhood, although I knew where she did live.
Q Where did she live? A She lived in a little, well they call it Toad-lope.
Q How long did she continue to reside there? A It was sometime in the '70's, I couldn't say just what time.
Q Number of years after the war? A Oh yes.
Q Did you see her frequently? A Oh I would see her frequently on the street.
Q You never missed her there for several years after the war? A No sir, I never missed her for several years after the war.
Q She had a son named Ellis? A Yes sir.
Q And a daughter named Lucinda? A Yes sir.

Q You remember Lewis? A Well I couldn't say that I do remember Lewis now.

BY Mr. Mellette:

Q You say you last saw Becky Webber sometime in the '70s?

A Yes sir.

Q You mean by that she left there sometime in '70?

A No, I don't say she did leave there, I couldn't say that.

Q You don't know whether she did or not? A No I didn't see her enough to know.

Q Where was she in '88? A I couldn't tell you.

Q Is it a fact that she lived there up until '92? A I couldn't tell you that.

Q If she did you don't know anything about it? A I don't know anything about it.

Q Have you lived there up to this time? A I have lived there up to this time.

Q You haven't seen Becky Webber living there then since sometime in the '70s? A Sometime in the '70s.

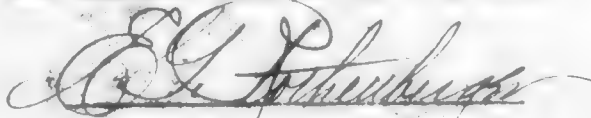
By Commission: This testimony will be filed and made a part of the record in the following Cherokee Freedmen cases: D-854, and D-435, D-554, and the case at bar.

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.
(signed) M. D. Green.

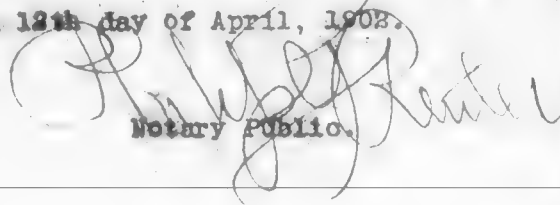
I, A. R. Cheever, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing copy and that the same is a true and complete copy of the original manuscript.

A. R. Cheever.

I, the undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes that I made the foregoing copy and that the same is a true and complete copy of the copy made from the original manuscript.



Subscribed and sworn to before me this 13th day of April, 1908.



Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 14th, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Russell Henderson as a Cherokee freedman, introduced on part of the Cherokee Nation:

Appearances:

Mallette & Smith, Vinita, I.T., Attys. for applicant.
W. W. Hastings, Cherokee Representative.

ELIZABETH DAVIS, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HASTINGS:

- Q What is your name? A Elizabeth Davis.
Q What is your age? A 57.
Q What is your postoffice? A Fort Scott, Kansas.
Q How long has that been your postoffice? A Since '63.
Q Do you know a colored woman up there by the name of Rachel Webber? A Yes sir.
Q When did you learn to know her? A I knew her in '60, about '68 along until the seventies.
Q Did she ever marry? A She married a man by the name of Ed Henderson.
Q How long did she live with him? A I don't know how long she lived with him, she had two children.
Q You don't remember the names of those children?
A No sir, I just know of them and that is all.
Q What did Ed Henderson do there?
A He was a barber; he was a barber there when I first went there, the only barber there was in town.
Q Did he move away from there? A No sir, he lived there until he was put in the penitentiary.
Q Is he in the penitentiary now? A Yes sir, he died in the penitentiary.
Q Did you see this Rachel Webber there like you did other people? A Yes sir, I have seen her passing around.
Q You know of her marrying Ed Henderson?
A Yes sir, having those babies, two of them, and know of them separating, but I don't know the dates; I never paid enough attention to it to know about that.
Q That was after the war? A That was in the seventies.
Q When they separated? A Yes sir.

MR. MALLETT:

- Q What year did you last see Rachel Webber? A I don't know what year I saw her last, but it was in the seventies.
Q Now what time in the seventies, you know the seventies extend over a period of ten years? A It was in '71.
Q Do you swear it was in '71? A (no response)
Q Are you positive about that? A I am positive it was in '69 or '70.

- Q Where were you first spoken to and asked what you knew about this witness Webber? A I was first spoken to about it yesterday.
- Q Yesterday, now then it has been 30 years since you first saw her hasn't it? A No sir, it hasn't been 30 years, I don't think.
- Q How long has it been since you saw her? A I saw her in '75 or '6, somewhere along there.
- Q Now which was it '75 or '76? A Well, it was either one or the other.
- Q Now you don't know which one, do you? A No sir.
- Q That has been 25 years ago; is there any particular reason you had to know this woman? A No sir, only I read in the papers of the separation.
- Q She was a colored woman? A Yes sir.
- Q You didn't pretend to keep track of where, her whereabouts all the time, did you? A No sir.
- Q Where was she in the year '67? A I don't know.
- Q Do you remember of seeing her in that year? A No.
- Q Where was she in the year '66? A I don't know where she was, she was there though.
- Q As a matter of fact it is impossible for you to remember back 30 years and know a particular year when you did or did not see this woman? A I know that they were there; and that they lived there in the sixties and seventies.
- Q Well now the sixties and seventies extend over a period of 20 years; you mean a portion of that time they were there?
- A Yes sir, I mean that they were there and lived there and had their residence there.
- Q You don't pretend to say that this woman did not come down to the Cherokee Nation during that time, do you? A No sir.
- Q You don't know what she did do; you said awhile ago you saw her passing and re-passing? A Yes sir; and I say I know of her marrying Ed Henderson.
- Q Well, did you have a personal intimate acquaintance?
- A No sir, I don't know as I ever spoke to this woman.
- Q You don't know that you ever spoke to this woman; 30 years now you go back and say -? A Yes sir, I know of this woman and know of her marrying Ed Henderson and separating and having two babies; you know these things was in the papers.
- Q Do you know Ed Henderson was her husband? A Yes sir.
- Q I will ask you if Rus Henderson was not her husband?
- A No, he was not.
- Q You are certain of that? A Yes, I am certain of that.
- Q What makes you remember that; you had never spoken to this particular woman? A I had never heard tell of Rus Henderson.
- Q Now do you say that this woman Rachel Webber is that one you have been talking about? A Yes sir.
- Q Do you swear that she married Ed Henderson? A I swear that she pretended that she was; what they said, that she married him.
- Q When did you hear that? A I heard it in I suppose in about '69.
- Q Well do you remember that it was in '69? A I can't keep the dates.
- Q Did you know Ed Henderson? A Yes sir, I knew of him, I seen him in his barber shop every day.

- Q Were you acquainted with him? A No sir, only that he was Ed Henderson and kept a barber shop there.
- Q Why should you remember that it was in 1869 that they married?
- A I don't know why I should remember, I do though.
- Q You swear they married in '69? A It was somewhere in '68, '69 or '70.
- Q Then you allow yourself a considerable wide range?
- A Yes sir.
- Q This is the third case you have testified in since yesterday, isn't it; identifying freedmen as living in Fort Scott, Kansas? A Yes sir, and they lived there too.
- Q And you are trying to identify a woman here with this woman you never saw there?

Mr. Hastings: You have got the right to cross-examine the witness; you have got no right to argue the case with her.

- Q Did you know anything about Martha Gales, a colored woman, that lived up there? A Yes sir.
- Q I will ask you if Martha Gales didn't marry Ed Henderson?
- A Yes sir, he lived with Martha Gales quite a while.
- Q When? A He lived with Martha Gales in the sixties, from '65 I guess until '68 or '9.
- Q I will ask you if he was not married to her when he was sent to the penitentiary? A No he was not.

MR. HASTINGS:

- Q You remember knowing this man when he lived with Martha Gales?
- A Yes sir.
- Q And after their separation he lived with this woman?
- A I knew him, very well acquainted with him, when he lived with Martha Gales, she was a hair dresser.
- Q And then after the separation he lived with this woman?
- A Yes sir, he married Rachel Webber.
- Q Did you ever miss Mrs. Rachel Webber from there until 1869 or '70? A No sir, I never know of her coming away after the separation.

Mr. Mellette:

- Q You don't know whether she came away or not, do you?
- A No sir, I don't know when she came away; I know they separated. I read that in the papers.
- Q Where is Henderson? A He is dead, I heard the other day.
- Q When did you hear that? A The other day.
- Q How long ago? A Week or two ago.
- Q You swore when you were here before he was living?
- A No, I swore he was at Fort Scott; I didn't know then he was in the penitentiary.
- Q Didn't you swear on the 17th day of February, in the case of Martha Gales, that this man Henderson was living at that time? A No, I didn't swear he was living, because I didn't know; they asked me where he was and I said in Fort Scott the last I knew of him; since I went there I heard he died in the penitentiary.
- Q Now, say if you give this testimony in the case of Martha Gales what became of Henderson? He is there yet? Did you swear that in the Martha Gales case? A I guess I did; because I thought he was there.

- Q Are you swearing what you know or what you think?
A How do you know it unless you think?
Q What made you swear he was there if he was not there?
A Because I supposed he was there?
A Are you swearing by what you know or what you suppose?
A He was there the last of what I know.
Q You said he died in the penitentiary? A Yes.
Q You didn't know when you swore that Ed Henderson was up there whether he was or not? A No, I could not swear that my boy was up there.
Q You hadn't seen Ed Henderson there had you?
A Yes, I seen him not over three months ago.
Q Didn't you swear just now that he died in the penitentiary?
A Yes sir, he was sent up there last fall and I heard since I was here before that he was dead, and I read that in the paper, and that is the only thing I know about it.
Q You say Henderson is living up there yet? A Yes sir.
A Yes, what I supposed too.
Q I will ask you if a matter of fact he has not been dead three years? A I don't know.
Q You know Mrs. Davis, whether he has or not; if you seen Ed Henderson in the past three years? A Just let me think whether I have or not; I don't know. Ed Henderson was there on the corner, I never knowed anything about his going away.
Q Just answer my question, have you seen Ed Henderson within the past three years? A I can't say I don't know.
Q Did you say you saw him about three months ago?
A I know he aint been dead three years.
Q Did not you swear awhile ago that you saw him just before you came down here on the other case? A No sir, I didn't.
Q And didn't you swear in that Martha Gales case that Ed Henderson was living there yet? A Yes sir, because I supposed he was living there yet.
Q You are swearing by what you suppose? A That is the way everybody swears of course.
Q How many cases have you been a witness in down here?
A I guess three or four.
Q How many did you witness in when you came down here the first time, 17th of February? A Two I guess.
Q Then you have been a witness in three this time, havn't you?
A Yes.

MR. HASTINGS:

- Q Mrs. Davis, you knew Ed Henderson? A Yes sir.
Q And when you were down here before you hadn't missed him?
A No sir, I didn't know he was gone.
Q Your attention was not especially directed to the last two or three years? A No sir.
Q When you went back you made inquiries and found he went to the penitentiary? A Yes sir.

Mr. BELLETTE:

- Q You hadn't missed him? A No sir.
Q If he has been dead three years you don't know? A No sir.

MINERVA RUNYAN, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HASTINGS:

- Q What is your name? A Minerva Runyan.
Q What is your postoffice? A Fort Scott, Kansas.
Q What is your age? A 48.

- Q Did you know a colored woman by the name of Rachel Webber who married Ed Henderson? A Yes sir.
- Q Did you know Ed Henderson? A I did.
- Q About when did you learn to know Rachel Webber? A Well it has been about seventy something or another, I just could not say.
- Q After the war? A Yes sir, it was after the war.
- Q Where did you know her? A In Fort Scott.
- Q When did you know Ed Henderson? A Well I knew him, it must have been in the '60s. I knew him before I knew her.
- Q Did they live together as husband and wife? A Yes sir.
- Q Do you remember how long they lived together up there as husband and wife? A No sir, I could not say.
- Q Do you know whether they had any children or not?
- A I know they had one.
- Q Do you know the name? A No sir.
- Q Born up there? A Yes sir.
- Q Do you know whether they continued to live together or whether they separated? A Well at the best of my knowledge they separated.
- Q What did Ed Henderson do up there? A He was a barber.
- Q Now, how long did you continue to know Ed around there?
- A Well I could not say just when in the sixties.
- Q You mean further on up the other way? A Well until his death.
- Q You understood he died? A Yes sir, I understood he died; I could not say positive for that, it was just through the paper I could not swear to that for I didn't see it.

MR. MELLETTTE:

- Q When did he die, Ed Henderson? A Well now, I could not just tell that.
- Q Well, how long ago, Mrs. Runyan? A If I remember rightly it was in the fall; in the fall or latter part of the summer.
- Q What year? A 1901 I think.
- Q Do you swear to that positively? A No, I don't swear to that positively.
- Q You saw it in the paper? A Yes sir.
- Q Well now, Mrs. Runyan, if you can't fix the time when Ed Henderson died, how can you go back thirty years and locate a colored woman with whom you weren't well acquainted?
- A Because they lived right there in the town where we did.
- Q I know, if you can't tell within a year when Ed Henderson died, how can you remember the time away back yonder in the sixties? A I don't believe he married in the '60s.
- Q When did you first see Rachel Webber? A When I first saw Rachel Webber it was in the seventies.
- Q What year? A I can't tell the year; best of my recollection it must have been '73, I know it was a few years before I was married, and we was crossing a little stream. Crossing the stream the plank broke and I went to her house and wrung the water from my clothes, and there was one child there at that time; there is where I got the one child from.
- Q Well now there is three years before you were married you went passing Rachel Webber's house and fell in the water?
- A Yes sir.
- Q And that was about three years before you were married?
- A Yes sir.
- Q And how long ^{ago} have you been married? A 26 years.
- Q And that was about 29 years ago? A Yes sir.
- Q Is that the Rachel Webber that is concerned in this case?
- A Well, that is a Rachel Webber.
- Q I ask you the question? A Yes.
- Q Answer it; I asked you if that was the Rachel Webber that is concerned in this case? A Well I don't know.

- Q How many cases have you been to witness here yesterday and to-day? A Three.
- Q You have identified certain freedmen that were living in the town of Fort Scott thirty years ago? A Yes sir.
- Q How old were you in 1870? A 1870?
- Q Yes? A I was about eighteen I guess.
- Q Were you acquainted with Rachel Webber? A Well not personally acquainted with her, no.
- Q Ever speak to her? A Yes sir.
- Q Well now when did you first see her, when did you first remember seeing her, what year? A I don't know.
- Q Where was she in 1866? A I don't know.
- Q Where was she in 1867? A I don't know.
- Q Where was she in 1868? A I don't know.

Mr. Hastings:

- Q Do you know that about three years before you were married you stopped in there and she had one child? A Yes sir.
- Q That is the same Rachel Webber that had Ed Henderson for a husband? A Yes sir.

I, J.O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes, that I correctly recorded the testimony and proceedings had this day in the above case, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(signed) J. O. Rosson.

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, do certify that the above and foregoing is a true and correct copy of the original transcript.

(signed) Ella Mielenz.

Mabel F. Maxwell, under oath as stenographer to the Commission to the Five Civilized Tribes, states that she copies the testimony and proceedings had in this case and that the above and foregoing is a true and correct copy of a certified copy of the original transcript.

Mabel F. Maxwell

Subscribed and sworn to before me this 23rd day of April, 1903.

Edward Henning

Notary Public.

EX-1507 A 1000 04

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MAY 22 1902
U.S. DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
AT L. B. D.
MAY 22 1902

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
AT L. B. D.
MAY 22 1902

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 29, 1902.

In the matter of the application of Lewis T. Brown for
enrollment as a Cherokee Freedman.

SUPPLEMENTAL TO D-94.

Applicant appears in his own behalf.
Cherokee Nation represented by J. S. Davenport.

SIMON SCALES, being first duly sworn, testified as follows:

- MR. DAVENPORT: What is your name? A Simon Scales.
- Q Where do you live, Simon? A Live in Fort Scott.
- Q You live in Fort Scott, Kansas? A Yes, sir.
- Q How long have you lived at Fort Scott, Kansas? A Well, near about 22 or 3 years.
- Q Well, did you go to Fort Scott— or where was you living at the close of the war? A Texas.
- Q Did you go to Fort Scott, Kansas, after the war closed? A Yes, sir.
- Q Well, after you went to Fort Scott, Kansas, did you ever get acquainted with any colored people up there by the name of Brown? A Yes, sir, I did.
- Q What was their names, do you remember? A Got acquainted with a man by the name of Tom Brown, we called him at that time; and then there was a nephew of his, a boy, and a son of his I think, and his wife.
- Q Well what was his name, did you say? A He had one named, a boy there by the name of Pomp, and one named Tooster.
- Q Did you get acquainted with any of the girls or any women folks of the family that was around there? A Yes, sir.
- Q Do you remember what their names was? A They had one named Mat, they called her, Mat Henderson, and one named Susie, I believe, I think she was.
- Q Now these parties that you have named, you don't know what relation they were to each other, do you? A No, sir, I don't.
- Q You know they were there connected some way, but what relation you don't know? A No, sir, I don't.
- Q Well now how long after you went there did they remain there, did Pomp Brown remain there, the one you spoke of as being called Pomp? A Well, I couldn't tell you the exact time that he remained there, but he stayed there a while, and worked in a barber shop, and I don't know when he left because when I saw him he said he had been living down here at Charate somewhere, and he came backwards and forth, and he would come over to see me every time he came back, I get a boy, and they was about the same age, and he would come over to see mine.
- Q Which left first, he or Mattie Henderson, as you knew her? A I think Pomp left first, I know he did.
- Q How long did Mattie Henderson live there in Fort Scott in the neighborhood where you lived? A Well, sir, I couldn't tell you how long.
- Q Did she stay there six months after you got acquainted with her, a year or two years? A Yes, sir, she lived there about a year or two.
- Q And you went to Fort Scott after the war closed as I understand? A Yes, sir.
- Q Do you know where Mattie Henderson, as you knew her, finally went when she did leave there? A No, sir, I couldn't tell.

Q Have you ever seen her since she left there? A No, sir, I don't think I have seen her since she left there; I have heard from her, but I don't think I have seen her since she left.

MR. BROWN: What year did you go there to Fort Scott? A I went there in the year of '66 or '67; I think '66.

Q Wasn't it '64 that you went to Fort Scott? A No, I don't think it was.

Q Well now, in reference to the time that Abraham Lincoln was elected when was it? A It must have been in '66 or '67, somewhere along there, wasn't it?

Q Well, I am asking you? A I never took no account of the time, but I kept account of it some way.

Q You was keeping account of it was you? A Yes, sir.

Q Well now, with reference to the time Abraham Lincoln was elected, when was it that you went to Fort Scott? A I went there that fall, sir.

Q Same fall that Abraham Lincoln was elected, didn't you? A Yes, sir.

Q And these people about whom you have testified left Fort Scott about a year or two after you went there, didn't they? A I think they did, sir.

MR. DAVENPORT: Simon, did you go to Fort Scott before the war or after the war? A No, sir.

Q You went to Fort Scott, Mr. Brown didn't ask you as to Lincoln being elected twice, was it the first time or the last time Lincoln was elected that you went to Fort Scott? A Last time.

Q Where were you living when the war closed? A In Texas.

Q Had you ever been to Fort Scott before that time? A No, sir.

MR. BROWN: Well now you say the second election of Abraham Lincoln, wasn't you in Fort Scott that fall? A As I say I come the fall of the election.

Q The fall of the year when Abraham Lincoln was elected President of the United States for his second term you were in Fort Scott, were you not? A I come to Fort Scott that fall.

Q Now then you say you got acquainted with Tom Brown? A Yes, sir, I think his name was.

Q Who was Tom Brown? A That was a man, the head of a family, Ibbie Brown's husband.

Q What relation was Tom Brown to Pomp Brown? A Well now I don't know; seemed like to me that Pomp, they told me that he was his uncle, that's what I heard, but I don't know any more than that.

Q Who told you that? A Seems like I heard Pomp call him uncle, and Pomp told me I think.

Q Now you say Pomp Brown was about the same age as your boy?

A Yes, sir, they grew up together.

Q How old is that boy now? A He must be near forty years old I suppose, my eldest boy.

Q How about how old was— A I guess he's forty-one or two.

Q That's the same boy that you say was about the same age as Pomp Brown? A Yes, sir, I think; I took him for the same.

Q What year were you born, unale? A Oh, Lord, that's too far back, I couldn't hardly tell you, I could if I go home—

Q In what year did the war begin? A I don't study any history at all.

Q In what year did the war close? A I don't know; sixty something.

Q In what year was your first child born? A Didn't pay no attention.

Q What year is this? A I don't know; didn't pay any attention to it.

Q In what year were you married? A I don't pay much attention to any such as that.

Q You don't know anything about years, do you? A No, I don't pay much attention to them.

Q Well now during the time that you say that Pomp Brown lived in Fort Scott, Kansas, did he ever to your knowledge make a trip to the Cherokee Nation? A I couldn't tell you, sir, whether he did, but

I know that he was going backwards and forth.

Q We are speaking about Pomp Brown, not about Tom? A Well, I said Pomp, that's what you asked me, wasn't it?

Q Yes, sir. Now did he ever move away from there and tell you or anyone in your presence that he was coming to the Cherokee Nation?

A I don't know as he did, because he would go backwards and forwards, and come by my house and see me.

Q What part of Fort Scott did you live in? A I lived on the west side of town, west side from Scott.

Q Live in the town or in the country? A Live in town.

Q Well, where was Pomp Brown in November, '68? A I couldn't tell you, sir, couldn't tell you nothing about that. I never

knowed numbers and years, but Pomp would come and see me.

Q You don't know of your own personal knowledge that he was there during all this year and a half or two years that you speak of? A Don't know he was there, don't know that two years that I speak of what two years that I spoke of? Explain it to me and I will answer to the best of my knowledge.

Q Just answer my question. Didn't you testify a while ago that they left there about a year and a half after you went there? A No, sir.

Q You didn't swear to that? A No, sir.

Q You are positive that you didn't swear to that, just as positive as you are to anything else that you have testified to, are you?

A Well now you never asked me about two years and a half; if you did I didn't answer it; that's what's the matter. You must explain.

Q Didn't you state in your direct examination that these people about whom you are testifying remained there a year or two after you left? A Never.

Q After you went there? As you say, the same fall that Abraham Lincoln was elected? A I said I didn't know; I say I don't know when they left.

Q You didn't say that then? A I didn't say when they left, no, sir, I didn't say they left; I say I don't know how long they stayed, it might be a year or two; that's what I said; but I didn't say they left.

Q Now when you went to Fort Scott was Mat Henderson married? A Yes, sir, she said she was married.

Q She was married when you went there? A That's what they said, she was.

Q You are positive of that? A I am positive they said she was.

Q Well they were living there together as man and wife when you went there? A Yes, sir.

Q Well now during all the time that Pomp Brown remained in Fort Scott, Kansas, what did he do? A I think he worked at a barber shop some; I don't know what he did do.

Q About how old was he then? A I couldn't tell you his age.

Q About how old? A He looked like to me he might be twelve, near twelve or fifteen years old, nigh as I could guess at now.

Q He was a winer? A Yes, sir, he was when I saw him.

Q In what year did you say that these people left there? A Well, sir, I don't know; I never said they left; I don't know.

Q Well I am asking you now? A Well I say I couldn't tell you, the people had gone before I knowed; I lost track of them.

Q You don't know when you lost track of them first? A I didn't pay no attention; I knowed I saw Pomp Brown, he would come back and forth.

CLIFTON T. RUCKER, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Clifton T. Rucker.
Q Where do you live, Mr. Rucker? A Fort Scott.

Q Kansas? A Yes, sir.

Q How long have you lived in Fort Scott, Kansas? A Well, in the county, I have lived in the city about since, I have been there the last time about eight years.

Q How long have you lived in the county in which Fort Scott is located? A 45.

Q When did you go there to that county, about what year? A In '56. 7th day of October, '56.

Q Were you living there at the close of the war? A Yes, sir.

Q Was there a town of Fort Scott then? A Yes, sir.

Q After the close of the war did you know a family of colored people by the name of Browns, in or near Fort Scott, Kansas? A Yes, sir, in Fort Scott.

Q Do you remember the names of the family that you know there?

A Yes, sir, to begin with the parties that I first knew, I got acquainted with the one they called Ebie Brown, we always called her that.

Q Well any others of the family? A There was Mattie Brown, afterwards Mattie Henderson, known as Mat Henderson, then there was another one that they called Susie Brown, I believe; and then Pompie Brown, I don't know whether Pompie was—

Q Boy or girl? A Boy, Pompie. And Teestie Brown, I suppose that's a nickname, I never knowed him by any other name.

Q Well now, when was it you first got acquainted with that family with reference to the close of the war, before or after? A Only by hearsay until '68; '68 I knew them personally, the summer of '68.

Q Where were they living in the summer of '68 when you personally got acquainted with them? A In Fort Scott, down on— near First and Walker Street, south of First Street.

Q Was Pomp Brown living there then, the boy that you know or man that you know there? A Yes, sir, he was a boy, a young fellow, he resembles this fellow (indicating Lewis T. Brown, the applicant), only he was heavier, stouter built, I remember the boy well enough.

Q Now you say Mattie married up there, Mr. Rucker? A Henderson, said to have married, that was the report.

Q What did Henderson do? A He was a barber by trade.

Q Did you know Pomp after he grew up, and was grown or about grown?

A Well I know he was about, I would suppose, about fifteen years old the last time that I remember, fifteen or sixteen years old, the last time that I saw him I would take him to be that. I knew him in '68 and '9.

Q You never saw him after that time? A I don't know as I did after '70.

Q Well when was the last time that you knew Mattie Henderson or Mattie Brown lived there? A She lived up there till '73 I believe, somewhere along there.

Q Do you know whether this Aunt Ebie that you speak of, when did she ever move away from there? A Well I was told she did; I don't remember; she used to work at the Wilder House.

Q What was that, a hotel? A Yes, sir, a hotel, known as the Wilder House.

Q You don't know what relation these parties were to each other, do you? A I don't know, I supposed he was old Aunt Ebie's son, a great many would call her Aunt Ebie, some of them, so Aunt Ebie that was generally the word that passed.

MR. BROWN: Mr. Rucker, how do you fix the date that you first become acquainted with Pomp, who you say was fourteen or fifteen years old? A Well I would judge from appearance that he was at that age, I was around in the family, I had business there as an officer in that neighborhood, in that vicinity, with some of the colored folks, there was papers executed about that time, and I met him on the street and they called him Pompie.

Q Do you remember all of the boys fourteen or fifteen years old that you met thirty-two or three years ago? A Why no, not all

of course; I could form an idea.

Q You never know these people until '88? A No, sir, only by hearsay, I heard that Aunt Ebie—

Q We just want the facts. You never knew of them until '88? A No, sir.

Q And you say in '78 that Mat Henderson left there? A I couldn't say when she left there.

Q Well, about that time? A That was about the last time that I remember of knowing, meeting her, I would just be in the barber shop there.

Q You don't know where they were in '88 or '7, do you, of your own personal knowledge? A No, sir.

J. M. NEWBURY, being first duly sworn, testified as follows:

MR. DAVENPORT: What's your name? A Newbury.

Q What is your first name, Mr. Newbury? A J. M.

Q What is your age, Mr. Newbury? A 65.

Q Where do you live? A Fort Scott.

Q How long have you lived at Fort Scott, Kansas? A Since '81.

Q Since you have been living at Fort Scott, Kansas, did you get acquainted with a colored family by the name of Browns, lived there in Fort Scott? A Yes, sir.

Q Do you remember the names of any of the family, Mr. Newbury?

A Why I know Hebie Brown.

Q Well, any of the rest of the family? A Mat, Mary and Susie and Pomp, and old man Tom Brown.

Q Well now do you know of your own knowledge as to what relation these people were, whether they were father and son or daughter and aunts or uncles? A No, sir.

Q Now you know Pomp, you say, there, Mr. Newbury? A Yes, sir.

Q How long did Pomp remain there after you got acquainted with him, or about how long? A About three or four years.

Q When did you first get acquainted with him, Mr. Newbury, about what year? A In about sixty—well, I can't tell, about '65 or '6, along there, I know the boy running around, was a boy, and I knew him as he grew up.

Q Do you know what he followed as he grew up to manhood, or whether he had any profession or calling or trade? A Why he used to work around the barber shop.

Q Well now you spoke of Mattie, do you know whether she ever married up there or not? A Claimed to be.

Q Do you know what the name of her husband was? A Ed Henderson.

Q What did Henderson do? A He was a barber.

Q Then, if at all, did Henderson ever move away from Fort Scott?

A Yes, sir.

Q About when did he leave there, if you remember, about what year?

A About five or six years ago.

Q When did Mattie, the wife of Henderson, leave there or move away from there, if you know, Mr. Newbury? A She moved away anywhere from '75 to '75.

Q Do you know whether or not they kept house there in Fort Scott?

A Yes, sir, they kept house.

Q Did you know the old lady that was in this family, Aunt Ibbie?

A Yes, sir.

Q Do you know whether she worked any place up there for a number of years? A Worked at the old Wilder house for a number of years.

Q After Pomp Brown went away from there did you ever see him? A Yes, sir.

Q Where did you see him? A In Chanute.

Q In Kansas? A Yes, sir.

Q About how long after he had left there did you see him? A I can't place the time that he left there; but I see him in '72 in Okemune, Kansas.

Q What was he doing at that time? A He was running a barber shop.

Q Did you recognize him as being the same man? A Yes, sir.

Q Did you have any conversation with him at that time? A Yes, had a long talk.

Q You knew him to be the same Pomp Brown that you had known at Fort Scott? A Yes, sir.

Q Have you ever seen Mattie Henderson since she moved away? A I think not, sir.

MR. BROWN: In what business are you engaged, Mr. Newbury?

A No.

Q Yes, sir. At present I am in the real-estate business.

Q What business were you in right after the close of the war? A Restaurant business, hotel business.

Q You don't know whether it was '65, '66, or '7, that you first become acquainted with these people? A Well I knew Aunt Ibbie in '64 quite well, but I didn't know these children.

Q Aunt Ibbie isn't the one; now we are just talking about Mat Henderson and Pomp Brown? A Well now—

Q You don't know when it was that you first become acquainted with Pomp Brown, do you? A No, but I think it was in '65 or '6.

Q Now you can't swear where Pomp Brown was every month in those years, can you? A No, sir.

Q There was nothing to attract his being there on your mind was there at that time? A Oh yes, there was something to attract his being there on my mind, because I know the boy.

Q I mean every month of the year and every year; you didn't keep close watch of him to see him? A No, sir.

Q You don't know where he was in the month of November, '68, do you? A No, sir.

Q Now you don't know where Mat Henderson was during that month in that year, do you? A No, sir.

Q Of your own personal knowledge? A No, sir. But I never missed them there; she was a barber.

Q She could have been out of town for a month or two months without your knowledge, couldn't she? A No.

Q Now in what portion of the town did these people live? A Which one are you speaking of, Mat Henderson?

Q Mat Henderson. A Well she lived pretty well in the center of the town, run a barber shop.

Q Where did Aunt Ibbie Brown live? A She lived at the old Wilder House, a block and a half away from them.

JACOB RODECKER, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Jacob Rodecker.

Q Where do you live? A I live at Fort Scott, Kansas.

Q What is your age? A My age is 61.

Q How long have you lived in Fort Scott, Kansas? A I have been up there thirty-six years, I come there in '68.

Q '68? A Yes, sir.

Q Since you came to Fort Scott, Kansas, did you get acquainted with a colored family by the name of Brown? A I did.

Q Do you remember the older ones' names? A Well, Tom Brown, he was a blacksmith there, and there was one we called Aunt Ibbie, she worked at the hotel there.

Q What hotel did she work at? A At the Wilder House.

Q Well do you remember any of the other ones' the family or the other ones that went by the same name? A Well there was Pomp Brown there, and I believe there was one there, she was married to

Henderson, Mat Brown, and then there was one, Toastie, and I didn't know the older— yes, there was Bill Brown there, but I don't know whether he was a son of hers.

Q You don't know what relation any of them were? A I always did suppose that Pomp was the son of Aunt Ibbie; she called him a boy.

Q And that is the only information you had as to what relation?

A Yes, sir.

Q It was just simply from the fact that he was there and—

MR. BROWN: Question objected to as leading.

MR. DAVENPORT: Now you went to Fort Scott in '66 as I understand, Mr. Rodecker? A Yes, sir.

Q Well now how long did you continue to know Pomp Brown in the town or near the town of Fort Scott after you went there? A I think I got acquainted with him in '67 and '8, after that he left the town, but he came back occasionally you know. I know during that time he was at the store there; at one time he told me it was Parsons and another time he told me he was at Humboldt.

Q What did he follow after he grew up if you know, Mr. Rodecker?

A Well I think if I am not mistaken he told me he was a barber.

When I first knew him he worked for a stable in Fort Scott.

Q What did Mattie do, if you know, what kind of work did she follow?

Q Well, when I got there in '66, I believe it was the first shave I had, I went in there at the barber shop she shaved me.

Q Do you know whether or not she married? A Yes, sir, she married Ed Henderson.

Q What was Henderson's trade? A A barber.

Q Well now when did Mattie move away from Fort Scott, Kansas, as near's you can get at it? A I couldn't say positive; I suppose she continued to live there to the best of my knowledge I think five or six years afterwards, that was '72 or around there somewhere.

Q Which went away first, she or Pomp? A Pompie went away first.

MR. BROWN: You didn't know Pomp Brown until the years '67 or '8, did you? A '67 I think it was. I ain't positive; I come there and he might have come in the store, but I didn't know Mr. Pomp Brown at that time.

Q Nor it's been a long time ago, hasn't it? A Yes, sir.

Q And it might have been a little later than that that you first got acquainted with him? A No, I don't hardly think so.

Q You might have got acquainted with him in '66 or earlier; you don't know where he was in November, '66, do you? A No, sir, I can't say positive, I don't know.

Q Nor can you swear positively where any of these six people were about whom you are testifying all during that month, can you? A I can, yes, sir, I can swear positive to some I think.

Q Well now to whom can you swear positively? A Well, I would have her shave me, Mat Henderson, and I'll tell you why. Just let me relate to you about that. They had a way, they had two boys working there, and the only way that they could tell, the way they kept their books was merely by marking, they put down a mark like that and it represented a shave, they made another mark up that way, that represented a haircut, and then they would make one like that that represented a shave, haircut and shampoo. Well now I went there and figured that up at the end of every week, and that's the reason I know positively. I used to take those papers, and she told me what they represented and I would figure up.

Q Well now, Mr. Rodecker who shaved you in '78? A I couldn't say positive.

Q Who shaved you in '79? A '78, a man by the name of Smith.

Q In '78? A Smith, up to '72 after I got married.

Q By the way, '67? A '72, I started in with Smith, and there was a barber there that worked for Ed Henderson or near them there, and he opened a shop and I went there; that might have been in '71 or

it might have been in '70, by the name of Joe Shelby, he opened a barber shop and I went to his place.

Q You are not positive then as to what years different people shaved you, are you? A Oh, I can swear positive that I got shaved in Mr. Henderson's shop three years there from '68 up to '69.

Q That is, in Mr. Henderson's shop? A Where Mat Henderson worked, yes, sir.

Q She worked there every day during those years? A I couldn't say whether she was, but she was there nearly every time I went there to get shaved, two times a week.

Q Did you ever go there when she wasn't there? A I couldn't say positive, but I suppose I have.

Q Do you know how many times you ever went there and she wasn't there? A No, sir.

Q Do you know where she was when she wasn't there? A I couldn't say.

MR. BROWN: The applicant requests testimony introduced on the part of the Cherokee Nation in this case to be stricken from the record for the reason that he is a descendant of the persons whose name appears upon the authenticated roll of 1880 and the decree of the United States Court of Claims under which this Commission is making a roll, as well as the instructions to this Commission on the same, strictly prohibits the introduction of any testimony tending to disprove the citizenship of any person whose name appears upon that roll; and for the further reason that in the years '66, '7, '8, and '9, about which these people have been testifying, Pomp Brown was a minor, and the record of this Commission shows in the matter of the application of his mother, Rosa Milton, that she was here in the Cherokee Nation at that time and is upon the authenticated roll of 1880.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-292, D-293, D-296 and D-94, the case at bar.

CLIFTON T. RUCKER, recalled, further testified:

MR. BROWN: You are the same gentleman that testified in this case just a while ago, are you not? A Yes, sir.

Q You have done a good deal of work in the way of getting testimony—

MR. DAVENPORT: I object to that because it is not brought out in any part of the examination in chief in this case, and he has no right to go into it.

COMMISSION: Objection will be noted; answer the question.

MR. BROWN: You have taken a great deal of interest in securing testimony against these people, haven't you? A I don't know whether it would be called a great deal of interest; I have taken it to such an extent that I would give in the names, and what they could find out, and I have endeavored to find the parties that did know.

Q You have went to people and asked them what they knew about this case, haven't you? A Yes, sir. I inquired what they knew.

MR. DAVENPORT: In inquiring of the people what they know about this matter did you ask any of them to purger themselves, Mr. Rucker? A No, sir.

Q Did you ask any of them to swear that the Browns lived there in '66 when you knew they didn't? A No, sir.

SIMON SCALES, recalled, further testified:

MR. BROWN: Mr. Scales, who first asked you what you knew about Tom Brown and his family? A Mr. Rucker asked me did I know; I told him yes.

Q He is the same Mr. Rucker that testified in this case just now,

is not a true copy.

Arthur H. [unclear] sworn, states that as stenographer to the five civilized tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur H. [unclear]

Subscribed and sworn to before me this 1st day of May, 1900.

[Signature]
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE CIVILIZED TRIBES.

EX. 1211
JUL 40 1882

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 29, 1902.

In the matter of the application of Lewis T. Brown for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO D-64.

APPEARANCES:

Applicant in his own behalf.
W. W. Hastings for Cherokee Nation.

JOSEPH HUCKER, being first duly sworn, testified as follows:

- MR. HASTINGS: What is your name? A Joseph Rucker.
- Q What is your age? A 35 the 10th of October.
- Q What is your postoffice? A Chanute, Kansas.
- Q How long have you lived at Chanute, Kansas? A Well I have been living there 26 years past.
- Q I will ask you if you know the applicant there, Mr. Brown, L. T. Brown? A Yes, sir, I knowed him before he could walk.
- Q Where did you know him? A In Chanute.
- Q Did you know his father? A Yes, sir.
- Q What was his name? A Samuel Brown.
- Q Did you know his mother? A I did.
- Q What was her name? A Amanda Brown.
- Q When did you learn to know them? A Well 26 years ago.
- Q Where were they living then? A In Chanute, Neosho County, Kansas? A Kansas, yes, sir.
- Q They have a home of their own? A Yes, sir.
- Q How far did you live from them? A Oh, well, I lived probably 200 yards.
- Q 200 yards? A Yes, sir, probably further; I don't know, but seed each other every day more or less.
- Q How long did you continue to know the applicant there? A I knowed him ever since, well I guess about near as I can remember, about—
- Q Well I mean how long did you continue to know him there? A Knowed him till he left.
- Q About how long was that from the time you commenced to know him until he left? A About five or six years.
- Q You knew him about five or six years? A Yes, sir.
- Q Who was he living with? A Biving with his mother, mother.
- Q Mother and father continue to live together? A No, sir, he had quit and went to Fort Scott.
- Q Father did? A Yes, sir, had an aunt over there in Cherryvale.
- Q Had his mother continue to live there? A Yes, sir, she did a while, shwent to Fort Scott.
- Q Take Biddle with her, Mr. Brown? A Yes, sir.
- Q Did you ever see them over at Fort Scott? A No, sir.
- Q Did you ever see them after they went over there? A Yes, sir, I seen his mother, never seen the children; I seen their mother.
- Q Where did you see her? A She came back to Chanute.
- Q They lived at Chanute five or six years after you went there? A Yes, sir.
- Q And you went there 26 years ago? A Yes, sir.
- Q You say they owned property, the house they lived in? A Yes, sir.
- Q What did his father do? A He was a barber.
- Q He was a barber, was he? A Yes, sir.
- Q Did he ever go by the name of Sam Brown? A Yes, sir, pretty

near all the boys called him that.

Q Right name was Sammie? A Yes, sir.

Q Did Mr. Brown have a sister? A Yes, sir.

Q What was her name? A Ella.

Q How old was Mr. Brown when you first remember of seeing him?

A Well I'll declare he was so ugly I don't know; I guess as near as I can remember he must have been three or four years old; my judgment that he would be that, but he was a cute little fellow, he was ugly though.

MR. BROWN: You went to Chanute in '76 didn't you, Mr. Rucker?

A '76?

Q Yes, sir. A I suppose I did, yes, sir, I think so; it's been

25 years.

Q Well that would make it '96 wouldn't it? A Yes, sir.

Q You say you first got acquainted with me at the time I was three or four years old? A It looks to me like you was, Buddie; you was pretty near as thick as you was tall.

Q Where was I born? A God knows I couldn't tell you; I am honest about it.

Q Where was my sister Ella born? A I couldn't tell you that either.

Q How long did I and my sister live in the state of Kansas? A Well so far as I know you lived there I think five or six years I knowed you.

Q Well now you say that Pomp Brown, after he had lived in Chanute five or six years, went to Fort Scott? A I don't know how long he stayed there, you know.

Q You said he went to Fort Scott? A Yes, sir, and the next thing now, let me tell you; he sent me a stone to put up at his baby's head from Fort Scott, and I never heard of Brown any more till I heard he was dead. He sent it to me and I got it.

Q Where was Pomp Brown and his family prior to '76? A Well I guess they must have been in Kansas, weren't they?

Q Well, were they? A I couldn't really tell you, unless they was in Chanute.

Q Were they in Chanute before you got acquainted with them? A That is more than I can tell you, where they was before I got acquainted with them.

Q Where was Pomp Brown in the fall of '86? A I couldn't tell you; I am just telling what I know. I am not guessing at anything.

Q You and Pomp were great friends? A We was good friends, yes, sir, good friends till today.

Q When was it Pomp Brown went to Fort Scott? A Well he went there after he went to Chanute, as I tell you I was acquainted with him five or six years; he went to Fort Scott, and he sent me that stone over, and then I never seen him any more since till I heard he was dead.

Q What became of this property that you say they owned there? A He sold that to, sold it to, I'll tell you, old man Scott, Scott Beattie bought his property, bought it from him and paid him cash for it.

Q You knew nothing of this family till '76? A Yes, sir, that's correct.

Q How did you happen to be down here? A Well let me tell you if you want to hear the truth; I love the truth; I was appointed to come down here to see, to testify, did I know the woman (girl); I am a man that tells the truth; how long I knowed them.

Q When was you appointed? A Oh, it's been a week or such a matter.

Q You have got your appointment with you? A No, sir.

Q Have you got it with you? A No, sir, I have not.

- Q Who appointed you? A I couldn't tell the man.
Q White man, colored man, or Indian? A White man.
Q What did he tell you his business was? A He wanted to know, he questioned me, did I know the Beacham girls.
Q Well what did he tell you his business was when he appointed you?
A He wanted me to come down to testify if I knew them.
Q And you told him you would do it? A I did; that's right; he asked me to come.
Q Did he tell you what his business was? A No, only that.
Q Did he tell you whether or not he was an officer? A He didn't, and I didn't ask him.
Q Did he tell you that you were to come down to testify for or against these people? A No, only that the girls, for the two girls; I am honest about it.
Q When was you first spoken to about what you knew about Pomp Brown? A Oh, I don't know; he just asked me there then.
Q Just when? A This gentleman asked me a while ago; that's=
Q That's the first time you ever been asked what you knew about it? A Yes, sir.
Q You wasn't asked about it before you come down here? A No, sir.
Q Mr. Hastings didn't know that you knew Pomp Brown until in Kansas until you took the stand did he? A No, sir, I don't think he did.
Q What was offered you for coming down here and testifying? A Never gave me no offer at all.
Q What did he say you would get? A Didn't say I would get anything.
Q Did you buy your own ticket? A Mr. Brown, you oughtn't to ask me so many questions. No, the man bought it.
Q The man bought it? A Yes, sir.
Q Sent you down here? A Yes, sir.
Q What did he tell you you would get? A He didn't tell me what.
Q You didn't know whether you was going to get anything or not? A No, sir.

COMMISSION: This testimony will also be filed in the case of the applicant's sister, Milla J. Hill et al, D-256, who is represented by Lewis T. Brown.

MR. BROWN: Comes now the applicant and moves the Commission to strike from the record in this case all of the testimony introduced this day by the Cherokee Nation tending to disprove the citizenship of the applicant for the reason that he is a descendant of a person whose name appears upon the authenticated roll of 1880, and that the decree of the United States Court of Claims, rendered February 3, 1898, and numbered 17309, as well as the instructions of the Secretary of the Interior to this Commission, by which this Commission is making a roll of Cherokee Freedmen, strictly prohibits the introduction of any testimony tending to disprove the citizenship of a person whose name appears upon the authenticated roll of 1880.

MR. HASTINGS: The Cherokee Nation desires to note the fact here that neither the applicant's nor his parents' names appear upon the roll of 1880.

MR. BROWN: The applicant invites the attention of the Commission to the fact that Beas Helton, who was the mother of the applicant's father, is upon the authenticated roll of 1880, and that the applicant's father was born in 1864, and at the close of the war and at the time that the said Beas Helton, who is the mother of the applicant's father, assumed her rights to citizenship in the Cherokee Nation, the applicant's father was a minor, and whatever rights he might have had was through his parents.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 31, 1902.

In the matter of the application of Martha Gales for enrollment as a Cherokee Freedman.

Applicant appears by Lewis T. Brown; Cherokee Nation by W. W. Hastings and J. S. Davenport.

Charles Foreman, being sworn and examined, testified as follows:
By Lewis T. Brown: State your name? A Charles Foreman.

Q What is your age? A I don't know exactly, I am about fifty years old.

Q What is your postoffice address? A Eufaula.

Q Are you a citizen of the Cherokee Nation? A Yes, sir.

Q Mr. Foreman, were you a slave in the Cherokee Nation at the beginning of the war? A Yes, sir.

Q Did you go out of the Cherokee Nation during the war? Yes, sir, I went with Mr. Ross to Philadelphia.

Q When did you return in what year? A It was in '66.

Q Do you know Mr. F. H. Nash who lives in Fort Gibson? A Yes, sir.

Q Do you know Nip Blackstone and a man by the name of Smith who used to live in the vicinity of Fort Gibson? A Yes, I knew them.

Q Are you the Charles Foreman referred to in their testimony in this case as having run a barber shop in Fort Gibson in '66? A Yes sir.

Q Who else, if anyone, run a shop at that time? A That was me and Henry Scales and Pomp Brown's son.

Q Did you know Bill Brown during his life time? A Yes, sir.

Q Did he run a barber shop there during that year? A Yes, sir.

Q Did you see Pomp Brown there during that year? A Yes, sir.

J. S. Davenport: You went out of the Territory with W. P. Ross and Chief Ross? A Yes, with William Ross.

Q Now you testified this morning in your case didn't you? A Yes, sir.

Q When you said a while ago that you were a citizen of the Cherokee Nation, you didn't mean it did you? A I belong to it.

Q You are a colored freedman, a claimant to citizenship? A Yes, sir.

Q Now in your own case this morning in giving your testimony, I will ask you if you didn't testify that you returned to the Cherokee Nation about a month after the remains of Chief John Ross was brought back to the Cherokee Nation, did you or did you not testify to that? A It has been so long.

Q It has been four house since you testified. A I am short minded.

Q Do you remember whether you testified that this morning or not? Don't you know? A Yes, sir.

Q Did you or did you not testify this morning in your own behalf that you returned to the Cherokee Nation within about a month after Chief John Ross' remains were returned to the Cherokee Nation? A I don't know how long that was.

Q You testified that it was after his remains that you came back? A Yes, sir, I testified I came back afterwards, as near as I can recollect.

Lewis T. Brown: You are the same man that F. H. Nash and Mr. Blackstone and Mr. Smith witnessed, introduced on the part of the Cherokee Nation, as having run a barber shop in the Cherokee Nation in the year 1866? A Yes, sir.

J. S. Davenport: Did you hear them testify? A Yes, sir.

Q Where did they give it? A Over at Gibson.

Q Had you applied then? A Yes.

Q Did you call them as a witness in your case? A I went to them.

Q Did you call them as a witness in your case? A I called them in to-----

Q You don't know? A (No response)

W. W. Hastings: The Cherokee Nation for the purpose of showing the time of the return of this applicant himself and for the purpose of contradicting his testimony and for the purpose of showing that he himself was not a resident of Fort Gibson in the year 1866 offers the following testimony of Will P. Ross, now deceased, taken in the case of Willis Martin vs Cherokee Nation and found in a Book taken from the records of the Executive Department of the Cherokee Nation, entitled "Register of Evidence from Court of Commission, Chambers Court, Book "K", as follows: Page 288:

"Willis Martin vs Cherokee Nation.

Statement of William P. Ross who being sworn says:

"I was living in Fort Gibson in 1867. The cholera broke out here about from the 23rd to the 26th of June of that year. I brought the remains of John Ross, late chief, from Washington some time in May of 1867 before the cholera broke out." Will P. Ross.

April 24, 1879. Attest J. A. Scales, Clerk."

Lewis T. Brown: Applicant objects to the introduction of this testimony for the reason, first: That it is not shown that this has ever been sworn to, nor is it shown that it is the original copy of what it purports to be and if it is offered in evidence for the purpose of showing that the witness Charley Foreman himself was not here, it is in contradiction to the facts already proven by the Cherokee Nation's own witnesses.

Commission: The above proceedings will be filed and made a part of the record in the following freedmen cases:

Susan Brown, D-93; Lewis T. Brown, D-94.

Ella J. Hill et al, D-256, as well as in the cast at bar, being that of Martha Gales, D-92. The applicants in the above named cases are represented by Lewis T. Brown.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 19th day of June, 1902.

(Signed) P. G. Reuter,

(Seal)

Notary Public.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify on my official oath that the above and foregoing is a true and correct copy of the testimony and proceedings in this case. *Maxwell*

Subscribed and sworn to before me this 14th day of August, 1902.

Princ Jones
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of Lewis T. Brown for the enrollment of himself as a Cherokee freedman.

Applicant appears in his own behalf; Cherokee Nation by W. W. Hastings and J. S. Davenport.

W. W. Hastings, being sworn and examined, testified as follows:

By Lewis T. Brown: State your name? A W. W. Hastings.

Q What is your age? A 35.

Q What is your postoffice address? A Tahlequah, I.T.

Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.

Q Mr. Hastings, what official positions, if any, have you held in the Cherokee Nation and under the laws of the Cherokee Nation. A I don't believe I could remember them all; I have been on the board of education, attorney general for the Cherokee Nation, and I represented it several times at Washington and before these Commissions. Those are some of them.

Q Where were you born? A I was born in Arkansas.

Q State of Arkansas? A Yes sir.

Q Do you know the applicant in this case? A Yes sir.

Q State whether or not you ever represented the applicant in this case in a civil suit in the Cherokee Court?

J. S. Davenport: I object to that for the records will show it.

Commission: Objection will be noted.

Answer the question. A I believe I did although it never came to trial, if that is my recollection of it.

Q Do you know why it didn't come to trial? A I am not really positive; my impression is it was pending there when the Curtis Bill was passed, in the Delaware District Court; I am not certain however,

Q Wasn't it in the Supreme Court of the Cherokee Nation at Tahlequah? A It might have been that.

J. S. Davenport: Do you remember any of the questions raised by the defendant in that case as a defense to the right of the plaintiff, one of whom was the applicant, Lewis T. Brown, to obtain his action of that court? A I don't want to do the applicant any injustice. My recollection is very meagre about that case. I know there was a case pending over there and I don't remember the date of it or the disposition of it, whether it was pending there or before the Supreme Court when the Curtis Bill was passed. I don't believe I represented him when it came up for trial. My recollection is it went off on some ground, but I don't know what it was. I do not think I tried this case or was present when it was tried in the Circuit Court of Delaware District. (By Mr. Brown:

Q I will ask you if you weren't together with Mr. Thompson, attorney for the applicant before the Supreme Court of the Cherokee Nation together with Mr. James S. Davenport when this case was pending there? A Well I think I was.

James M. Keys, being sworn and examined, testified as follows:

By Lewis T. Brown: State your name? A James M. Keys.

Q What is your age? A 68 years.

Q What is your postoffice address? A Choultan.

Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.

S-Lewis T. Brown.

- Q Mr. Keys when did you leave the Cherokee Nation for the first time? A During the war my first time.
Q When did you return? A In '65.
Q When did you next leave, going out to stay any length of time?
A I don't remember when I did leave, I went out of the country about '71 I think.
Q How long were you gone? A About four or five years.
Q Have you ever held any position by the Cherokee authorities? A Yes sir.
Q When you returned were you readmitted? A No sir.
J. S. Davenport: I object to that as being immaterial.

L. B. Bell, being sworn and examined, testified as follows:
By Lewis T. Brown: State your name? A L. B. Bell; 64 years old; Vinita.

- Q You are chief counsel for the Cherokee Nation in this matter?
A Yes sir.
Q Are you a recognized citizen of the Cherokee Nation? A Yes.
Q When did you leave the Cherokee Nation for the first time to go south? A Why I couldn't hardly tell you; I moved my family south in '61. I was up here in the Cherokee Nation most of the time until '63 when the federals kicked us out.
Q Did you know D. W. Bushyhead who is dead? A I did when he was alive.
Q Do you remember when he left the Cherokee Nation and went to California? A In about 1849.
Q Do you remember how long he was gone? A I think he came back in about '68.

J. S. Davenport: I object to testimony taken in the action of Mr. Bushyhead or any other Indian by blood because the treaty relating to the rights of freedmen and the general law relating to Cherokees are absolutely different, one was a condition precedent and one a condition subsequent.

Lewis T. Brown: The applicant calls the attention of the Commission to that portion of the treaty of 1866, which says: "That all former slaves of Cherokee citizens who were emancipated as such, and returned to the Cherokee Nation within six months after the 19th of July, 1866, should have all the rights of a full-blood Cherokee; and also invites the attention of the Commission to the decision of the United States Court of Claims on this matter in the case of Moses Whitmire, trustee vs. Cherokee Nation of the United States.

- Q After Mr. Bushyhead returned to the Cherokee Nation did he ever hold any position according to the laws of the Cherokee Nation?
A Yes.
Q What positions if any did he hold? A He was treasurer about eight years and Chief about the same length of time.
Q Was he ever readmitted to citizenship after his return? A I couldn't answer that. I guess the law book would show that. I have no recollection about that, whether he was or wasn't.
Q Isn't it a matter of history that he wasn't? A I couldn't say that it was a matter of history; I have heard it questioned.
Q Weren't you questioned about that before the Kernolifton Court?
A I don't recollect; I have raised the issue myself in a matter of politics half a dozen times by saying he wasn't a citizen.
Q Did you raise the issue that he was never readmitted? A I suppose that is the ground.

James S. Davenport, being sworn and examined, testified as follows:

- By V. H. Hastings: State your name? A James S. Davenport.
Q What is your age? A 37.
Q Your postoffice is Vinita? A Yes sir.
Q Were you a practicing attorney before the Cherokee Court before the passage of the Curtis Bill? A Yes, from February '85 up until the passage of the Curtis Bill.

3- Lewis T. Brown-

Q Were you one of the attorneys in this same suit that I was inquired of by the applicant in this case? A Yes sir, I was one of them that brought the suit for himself and sister Ella.

Q Did you try the case? A I tried it in the Circuit Court, for Delaware District.

Q Do you know whether the question of their citizenship was raised in that court? A Yes sir, I do, and that is the reason why I objected a while ago to the introduction of oral testimony for the reason that the records would show the question that was raised in the case. There is no doubt but what the facts so far as the acquisition of the propriety were concerned showed the right of Lewis and his sister Ella Hill, to recover, but Mr. Akin who represented Mr. Leforce as his attorney raised the question by his answer that neither of the plaintiffs were recognized citizens of the Cherokee Nation and were not entitled to participate in the division of lands and to hold improvements upon the public domain of the Cherokee Nation. The question of their citizenship was brought out all along the line and before the jury in the evidence and we lost the case in the lower court and my recollection is that it was pending on appeal to the Supreme Court of the Cherokee Nation at the time of the passage of the Curtis Bill.

Lewis T. Brown: Is it a fact that Mr. Akin who represented the defense in that case contended that by reason of the fact that the applicants were not upon the 1880 roll, was not entitled? A No sir, the answer was that they were not citizens, not entitled. You better go and get that so as to save this trouble.

Q I will ask you if the defense in that case did not make a motion before going into trial to dismiss the suit for the reason that the plaintiff who is the applicant in this case was not a recognized citizen of the Cherokee Nation? A My recollection is he did and my recollection is as attorney and not what the law was; I took the position that could only be raised by answer and by introduction of proof and not by pleadings when the pleadings allowed that he was entitled to sue and sue in the Court.

Q I will ask you if it isn't a fact that T. M. Buffington who was then Judge of that Court didn't overrule the motion to dismiss and let the case go to trial? A If I am correct in such a motion to dismiss being filed, which I am satisfied I am, the presiding judge did overrule the motion and his opinion will show that it was overruled on the ground which I have just stated, that it was not a question that could be raised upon preliminary motion when the citations showed the parties to be citizens, but it must be raised by answer and by introduction of proof.

Q Is it not a fact that the case went to trial and went to trial by jury? A Yes sir; it went to trial by jury, and if you ever practiced law in any court in the world the question of the jurisdiction of the person is raised, and in any way whatever unless it showed in the complaint that the party does not reside within the jurisdiction of the court it will be raised by answer and go to trial either by the jury or the court, and the introduction of evidence will be required in order to settle the question as to the jurisdiction of the person, which was the question raised in this case, was the question of the jurisdiction of the person and not of the propriety.

Q Well the Cherokee Courts did try this case? A Yes sir, the Cherokee Court did try this case and not the Courts, and I presume would have been passed upon by the Supreme Court; in fact I know it would. I would suggest right here it would be better to get his answer which is a matter of record showing exactly what he raised.

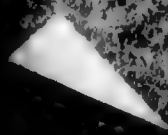
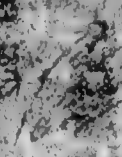
Commission: To be filed in case of Ella Hill B-256 and the case at bar; also to be filed in D-92 and D-93.

1944



Handwritten signature or scribble.

RECEIVED
JUL 10 1944
U.S. AIR FORCE



7594

FILED
JUN 10 1904
COMMISSION TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Muskegee, Indian Territory.

Cherokee Freedman D 94.

In the matter of the application for the enrollment of
Louis T. Brown as a Cherokee Freedman.

Supplemental brief on part of the Cherokee Nation.

Our office being located at Tahlequah, Indian Territory
where the Cherokee Land Office is now located, and a part of
the Cherokee Enrollment Division being at the Commission's
main office at Muskegee, and not having been supplied with a
copy of the letter of the Commissioner of Indian Affairs of
date March 3rd 1904 nor the Departmental letter of April
19th 1904 transmitting the same ~~by~~ ^{but} a letter ^{from} ~~to~~ the Commission
to the Five Civilized Tribes of date April 30th 1904 quotes
an extract from a copy of the letter of the Honorable Commis-
sioner of Indian Affairs as follows:

"Under the evidence and in accordance with the law the
applicant Louis T. Brown is entitled to enrollment as a Chero-
kee Freedman citizen of the Cherokee Nation, unless the Na-
tion can show that Rosa Melton was not his grand mother, or
that her name does not appear upon the 1880 authenticated ~~and~~
Cherokee roll."

The Cherokee Nation has heretofore filed an exhaustive
brief in this case contending that Pomp Brown the father of
Louis T. Brown was the slave of a citizen of the Cherokee
Nation at the commencement of the war that he left here during
the war and that he never returned here to the Cherokee nation
in time to qualify under the treaty of 1866. It was further
contended that Louis T. Brown was born in the State of Kansas
where he lived the most of his life until within the last few
years when he first came to the Cherokee Nation to permanently
locate. That after his father's death he continued to live with
his mother Amanda Ritchey in the state of Kansas for a number

of years. Under this statement of facts and with only this extract of the letter of the Honorable Commissioner of Indian Affairs and as it is very difficult for us to see why it is urged that the enrollment of the applicant Louis T. Brown depends upon the name of his grand mother Rosa Melton being upon the 1860 roll. It is not contended that the applicants father Pomp Brown was born since the war and it is not contended ^{but} that Pomp Brown was a slave of a Cherokee Citizen and therefore we desire to earnestly suggest to the Honorable Commissioner of Indian Affairs that the question involved in this case is certainly a very serious one and one of great moment to the Cherokee Nation.

We do not see wherein the enrollment of Rosa Melton has any thing whatever to do with the enrollment of the applicant Louis T. Brown.

We contend that the applicants enrollment depends upon three propositions:

First: Was his father the slave of a citizen of the Cherokee Nation at the commencement of the war of the rebellion?

Second: Did he return in time to qualify under the treaty of 1866.

Third: Did he continuously reside in the Cherokee Nation subsequent to that time or was his citizenship forfeited, if any he acquired, by his continuous non residence in the State of Kansas?

We might further add did the residence of the applicant follow that of the mother in the State of Kansas after his fathers death, and did he thereby forfeit his citizenship, if any he ever acquired.

The Honorable Frank L. Campbell, Assistant Attorney general on March 22, 1904 (I. T. D. 641-1904) rendered an opinion in reply to a request from the Attorneys for the Cherokee Nation that ^{and} ~~also~~ among other things answer was given to the following:

* First Whether or not a freedman applicant as a citizen of

43.

the Cherokee Nation who was a minor at the date of the ratification of the treaty of July 19, 1866 was exempt from the limitations upon the time within which colored people were required to return to the Cherokee Nation under the said treaty."

he answered:

"The period of six months fixed by the treaty is not a limitation upon a right but a condition qualifying the right given or created by the treaty. It is in the nature of a condition precedent. The essential part of the fact from which the right given arises--There is no right independent of the existence of the condition imposed. Such conditions affect all alike--competent or incompetent."

It will be noted that this opinion of the Honorable Assistant Attorney General was rendered March 22nd 1904 whereas the letter of the Honorable Commissioner of Indian Affairs was written March 3rd 1904 and he therefore did not have the opinion before him when said letter was written.. It seems to us that the Honorable Commissioner of Indian Affairs and the Honorable Secretary of the Interior in the light of this opinion should not order the applicant enrolled in this case. The Honorable Assistant Attorney General holds it a "condition precedent" and he further holds that the limitations upon the time of the return of all former slaves affect all alike competent or incompetent.. Now Pomp Brown the father of applicant was himself a slave and he belonged to a Cherokee Citizen and the treaty of 1866 created the right for him provided he took advantage of its conditions imposed and qualified under the treaty which clearly he did not. We have very extensively ~~examined~~ briefed the questions of fact involved in this case upon which we rely to sustain our contentions that the said Pomp Brown did not return to and permanently locate within the Cherokee Nation prior to February 11, 1867.

We do not see why and how the enrollment of Rosa Welton could in any way aid the applicant in this case unless the Commissioner of Indian Affairs takes the opinion which we regard as contrary to the opinion of the Honorable Assistant Attorney General that the father of the applicant was a minor and that therefore he did not have to return within the time prescribed by the treaty. But as we argued in our brief in the case of William H. Fields (Woodman v. 20).

Suppose that Pomp Brown had been brought back to the Cherokee nation within the time prescribed by the treaty of 1866 and his mother Rosa Melton continued to live and die outside of the Cherokee Nation then as we understand the contention of the Honorable Commissioner of Indian Affairs, the legal residence of Pomp Brown, although he physically returned to the Cherokee Nation within the time prescribed by the treaty, would have been outside of the Cherokee Nation, where his mother resided and he would not have been entitled to be enrolled as a freedman citizen of the Cherokee nation. This we contend would have been a harsh construction and clearly as we think not borne out by the language of the treaty of 1866.

The Honorable Assistant Attorney general on December 23rd 1903 in the case of Dan Campbell applicant for enrollment as a Creek Freedman (I.T.D. - 7782-1903) held the following:

"The natural import of the provision 'descendants born since the date of said roll to persons whose names are found thereon' is that the parent, or nearest ancestor living at the date of such roll is the 'person' intended through whom the applicant must obtain his right--It is obvious that the grandparent be ineligible and not enrolled because not resident of the Territory."

This is exactly what we have contended that the testimony clearly shows in this case. Rosa Melton may have been a slave; may have returned in time to qualify under the treaty and her name may be on the 1860 roll; but when her son Pomp Brown was a slave himself; did not return in time to qualify under the treaty; did not permanently reside in the Cherokee Nation; was not enrolled in 1860 or in other words not entitled himself in the Cherokee Nation by his own right standing separate and apart from his mother Rosa Melton. Then having the two opinions of the Honorable Assistant Attorney general hereinabove referred to this applicant is not entitled to be enrolled as a citizen of the Cherokee Nation regardless of the alleged 1860 enrollment of Rosa Melton, his reputed grandmother.

Respectfully,

J. S. Downing
J. S. Downing
 J. S. Downing
 Atty Cher Nat.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Louis T. Brown et al for
enrollment as Cherokee Freedman, Cherokee F. D. 94 and 256. ^{FR 765} ^{FR 764}

MOTION FOR REHEARING.

Comes now the applicants and moves the Department to remand
the above case in so far as the applicants therein, Louis T. Brown, Ella
J. Hill, and Bessie and Herbert L. Hill, minor children of the said
Ella J. Hill are concerned, in order that the above named applicants
may introduce further evidence upon the return of their father, Samuel or
Pomp Brown to the Cherokee Nation on or before February 11, 1867.

Applicants have newly discovered evidence of which they did not
know at the time of the former trial of this case and for which reason
they could not have produced, by which they expect to prove that their
father, Samuel or Pomp Brown returned to the Cherokee Nation and
bona fide established a residence therein before February 11, 1867, and
at no time thereafter abjured that domicile.

And further applicants have newly discovered evidence by which
they can prove that they are the children of said Pomp Brown, and the
grand-children and descendants of one Rosa Melton whose name appears
upon the authenticated roll of 1860--also on the final roll of Freedman
citizens of the Cherokee Nation.

In view of the fact that we have only two days in which to file
motions for a rehearing we ask that we be allowed an additional time of
thirty days in which to file a supplemental motion for a rehearing in
this case with additional affidavits attached thereto.

RESPECTFULLY,

Louis T. Brown
APPLICANT APPLICANT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
WESTERN DISTRICT.

} ss.

I, Louis T. Brown upon my oath state that I am one of the applicants in the foregoing case, and that the foregoing motion for a rehearing therein is made in good faith and not for the purposes of delay but in order that justice may be done upon a rehearing of this cause.

Louis T. Brown
APPLICANT.

Subscribed and sworn to before me this ~~11th~~ day of June, 1906.

John Davidson
NOTARY PUBLIC.

My commission expires--

Aug 30/08

UNITED STATES OF AMERICA, :
WESTERN JUDICIAL DISTRICT :
INDIAN TERRITORY. :
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Affidavit.

My name is J. Milton Turner, post office address St. Louis, Mo. I am personally acquainted with Louis T. Brown of Muskogee, Indian Territory and Ella J. Hill of Vinita, Indian Territory, who are freedmen applicants for enrollment to citizenship in the Cherokee Nation, and who were listed for such enrollment by the Commissioner to the Five Civilized Tribes, on Cherokee Freedmen Doubtful cards numbers 94 and 256 respectively.

The father of these two persons was named Samuel or Pomp Brown, and is now dead. Rosa Melton of Redland, Indian Territory is the mother of the said Samuel or Pomp Brown, the grandmother of the said Louis T. Brown and Ella J. Hill, and her name appears upon the authenticated roll of 1860, Sequoyah District, Cherokee Nation.

J. MILTON TURNER.

United States of America, :
Western Judicial District : ss.
Indian Territory :

Personally appeared before me, a Notary Public within and for the Western Judicial District of the Indian Territory, duly commissioned and acting as such, J. Milton Turner, to me personally well known, who first being duly sworn upon his oath deposes and says that he signed the above affidavit of his own free will and accord and that all the matter contained therein is true and correct.

Subscribed and sworn to before me this 15th day of June, 1906.

GEORGE K. DAVIDSON
Notary Public.

(SEAL)

My commission expires on the 30th day of August, 1908.

COMMISSIONER TO FIVE YEARS.	
No.	Received
	JUN 25 1908
Book	Page

UNITED STATES OF AMERICA,
NORTHERN JUDICIAL DISTRICT,
INDIAN TERRITORY.

Affidavit.

My name is Rosa Melton; I am sixtyeight years old; post-office address Redland, Indian Territory. I know Louis T. Brown and Ella J. Hill, who are Freedmen applicants for enrollment as citizens of the Cherokee Nation. They are the children of my son, Samuel or Pomp Brown, who is now dead. I am a freedmen citizen of the Cherokee Nation duly and lawfully enrolled and approved as such and my name appears upon the authenticated roll of 1880--- also on the final roll of Freedmen Citizens of the Cherokee Nation, under the decision of the Secretary of the Interior.

her
ROSA x MELTON
mark

Witnesses to mark

Wm. G. Capps

J. H. Pemberton.

United States of America, :
Northern Judicial District : ss.
Indian Territory :

Personally appeared before me, a Notary Public within and for the Northern Judicial District 2 of Indian Territory, duly commissioned and acting as such, Rosa Melton, who first being duly sworn upon her oath deposes and says that she signed the above affidavit of her own free will and accord and that all the matter contained therein is true and correct.

Subscribed and sworn to before me this 18th day of June,
A. D., 1906.

M. G. SLAUGHTER
Notary Public.

My commission expires on the _____ day of _____, 1909.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

JUL 5 1906

 COMMISSIONER

676 212

copy

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FR. 764

In the matter of the motion to reopen the applications of Louis T. Brown, F. D. 94, and Ella Hill et al., F. D. 286, applicants for enrollment as Cherokee freedmen.

FR. 764

Reply of Cherokee nation.

The motion filed on behalf of applicants by Louis T. Brown, contains nothing whatever new in said motion, but alleges that they have "newly discovered evidence by which they can prove that they are children of said Pomp Brown and grand children and descendants of one Rosa Melton whose name appeared upon the authenticated roll of 1860---also upon the final roll of freedmen citizens of the Cherokee Nation."

There is nothing whatever new as to this alleged newly discovered evidence, nor has it at any time ever been disputed that the applicants are children of Pomp Brown and grand children of Rosa Melton, nor was it ever disputed that Rosa Melton was ever on the roll of 1860, nor has it ever been disputed that she is now on the final roll of freedmen citizens of the Cherokee Nation. The fact is, the testimony clearly shows the points about which the newly discovered evidence is sought to be introduced.

The Departmental letter of April 10, 1906 (I.T.D. 880, 5566-1904), (D.C. 13261), fully states all of the proceedings had in the case. The record further shows that Louis T. Brown is an agent for freedmen applicants and has heretofore been authorized to practice before the Department. He is educated and thoroughly well qualified to defend his own interests. The record in this case is exceedingly voluminous, testimony having been taken at various times both for and against these applicants, and this case has been briefed repeatedly and was well considered by the Department before the affirmance of the decision of the Commission on April 10, 1906, in which the department held: after reviewing all of the proceedings theretofore had in detail in the case as follows:

"It appears from the record that on April 22, 1903, the Commission to the Five Civilized Tribes rendered its decision adverse to the applicants.

In view of the decision of the Assistant Attorney General dated

March 22, 1904, in the cases of Joseph Campbell and John Taylor and of the decision dated December 14, 1904, in the matter of the Mary W. Greenleaf case, neither Louis T. Brown nor Ella J. Hill and her two children Bessie and Herbert Hill, can claim any rights by reason of the fact ~~is~~ that their grandmother's name appears on the authenticated roll of 1880.

The department considers that the decision of the Commission to the Five Civilized Tribes dated April 22, 1903, denying the right of enrollment as Cherokee freedmen to Martha Gales, Susan Brown, Louis T. Brown, Ella J. Hill, Bessie Hill and Herbert Hill is correct and said decision is hereby affirmed.*

As above alleged the applicants in their motion to reopen set forth no new grounds upon which to ask that said case be reopened. For instance there is nothing new in the affidavit of J. Milton Turner. He says those applicants are the children of Pomp Brown and the grandchildren of Rosa Melton---facts never disputed, and Rosa Melton in her affidavit swears to practically the same thing, and this is not disputed, but are all thoroughly gone into heretofore in the trial.

Inasmuch as nothing new is alleged ~~with~~ ^{we} respectfully submit that the motion to reopen in this consolidated case should not be allowed, but they should be denied upon three grounds:

First. The testimony would be cumulative.

Second. The affidavits of the witnesses are to prove facts admittedly shown already in the record, and,

Third. There has been no diligence whatever shown on behalf of applicants to procure this testimony which could have been procured at any time.

Respectfully submitted,

W. W. Hastings

Attorney for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

217
BN

In the matter of the application of Martha Gales, et al. for enrollment as Cherokee Freedmen, consolidating the applications of

Martha Gales,.....	Cherokee Freedmen	D	92
Susan Brown,.....	"	"	D 93
Louis T. Brown,.....	"	"	D 94
Ella J. Hill,.....	"	"	D 256

D E C I S I O N .

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission: by Martha Gales, among others, for herself; the other parties to her application, being differently classified, are not embraced in this decision; by Susan Brown for herself; by Louis T. Brown for himself; by Ella J. Hill for herself and her two minor children, Bessie and Herbert L. Hill. Copies of the testimony taken at various times in the matter of the applications of Becky Webber and Russell Henderson for enrollment as Cherokee Freedmen, are made a part of the record herein.

The evidence shows that Martha Gales, Susan Brown and one, Pomp Brown, were the slaves of a Cherokee citizen at the commencement of the rebellion; that they were taken out of the Cherokee Nation during the rebellion and that none of them returned to and in good faith established his or her residence therein until after January 19, 1867. The said Louis T. Brown and Ella J. Hill are the descendants of said Pomp Brown, born since 1866, and have no rights as Cherokee Freedmen, except such as they may have acquired through him. Bessie and Herbert L. Hill are the minor children of the said Ella J. Hill, and have no rights as Cherokee Freedmen, except such as they may have acquired through her. None of the applicants herein are found on the 1860 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Martha Gales, Susan Brown, Louis T. Brown, Ella J. Hill, Bessie Hill and Herbert L. Hill as Cherokee Freedmen, should be denied under the provisions of Section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tami Dixby
Acting Chairman.

(SIGNED) I. B. Needles
Commissioner.

(SIGNED) C. R. Breckinridge
Commissioner.

Dated at Muskogee, Indian Territory,
this APR 22 1903

(SIGNED) W. E. Stanley
COMMISSIONER.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 20 1901


ACTING CHAIRMAN

T-1894

COMMISSIONERS
HENRY L. DAVIS
JAMES HERRY
THOMAS H. NEASE
C. H. BRACKENRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Louis T. Brown for enrollment as a FREEDMAN of the Cherokee Nation.

Louis T. Brown

APPLICANT.

Fort Gibson, Indian Territory,

April 20th, 1901.

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3294

Members of the Executive Council.

one copy of the ...

Received of the ...

Special Agent in Charge, June 8th, 1901.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUN 8 1901

[Handwritten signature]

MEETING CHAIRMAN

Abilene

Chelsea, Indian Territory, June 8th, 1901.

Received of the Commission to the Five Civilized Tribes
one copy of the supplementary testimony in the matter of the
application of Lewis T. Brown for the enrollment of himself as a
Freedman of the Cherokee Nation.

Lewis T. Brown

Applicant.

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on.....

by delivering a true copy thereof on the
..... day of..... A. D. 1901.

Given under my hand this.....
day..... A. D. 1901.

Marshal for Cherokee Nation.

I, the undersigned attorney for the
within named applicant hereby accept
service of the within notice on this the
..... day of....., 1901.

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to L. J.
Brown

on the 7 day of Sept A.D. 1901

Subscribed and sworn to before me
this 7 day of Sept A.D. 1901.

J. C. Starr
Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES'

FILED
SEP 7 1901

[Signature]
ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES'
FILED
SEP 7 1901

[Signature]
ACTING CHAIRMAN

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NOTICE!

IN THE MATTER OF The application of

L. J. Brown

Case No. F. D.

94

To

L. J. Brown

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of *St. Gibson* Indian Territory, on the following dates, to-wit: *Sept 18* — A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this *2* day of _____, 1901.

R. B. Bell

Attorneys for the Cherokee Nation.

F. D. 94

INDIAN TERRITORY,

CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 190...

Given under my hand this
day of A. D. 190...

Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
..... day of 190...

J. Lewis Brown
..... applicant.

UNITED STATES OF AMERICA, } s. s.
INDIAN TERRITORY, }
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to

.....
on the day of A. D. 190...

Subscribed and sworn to before me
this

DEPARTMENT OF THE INTERIOR, Public.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 21 1901

ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of L. T. Brown
for enrollment as Cherokee Freedmen:
Case No. F. D. 94

To L. T. Brown

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 5th 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

L. B. Bell

W. W. Hastings

J. L. Davenport

Attorneys for the Cherokee Nation.

F. D. 94

7094

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 190.....

Given under my hand this
day of A. D. 190.....

Marshal for the Cherokee Nation.

I, the undersigned *agent* for the
within named applicant, hereby accept
service of the within notice on this the
..... day of *July*, 190.....

Louise Brown
..... for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 190.....

Subscribed and sworn to before me
this

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAR 1 1902

[Signature]
ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of L. T. Brown.
for enrollment as Cherokee Freedmen:
Case No. F. D. 94 1
To L. T. Brown:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of **Muskogee, I. T.** Indian Territory, on March 3rd, 1902. at 8 o'clock A. M., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Feb. 26th, 1902.

L. B. Bell

W. W. Hastings
Jess Daempok
Attorneys for the Cherokee Nation.

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on _____

by delivering a true copy thereof on the _____ day of _____ A. D. 190...

Given under my hand this _____ day of _____ A. D. 190...

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the _____ day of _____ 190...

James T. Brown
Attorney for applicant.

UNITED STATES OF AMERICA, } S. S.
INDIAN TERRITORY,
NORTHERN DISTRICT.

I do solemnly swear that I delivered a true copy of the within notice to _____

on the _____ day of _____ A. D. 190...

Subscribed and sworn to before me this _____

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE CHEROKEE AND TRISES.

FILED
APR 28 1902

[Signature]
ACTING CHAIRMAN.

NOTICE!

IN THE MATTER OF the application of L. T. Brown,
for enrollment as Cherokee Freedmen:
Case No. F. D. 94
To L. T. Brown,

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of **Muskogee, I. T.** Indian Territory, on April 29, 1902, at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this April 26, 1902.

L. B. Bell

W. W. Hastings

Jess. Davenport
Attorneys for the Cherokee Nation.

Refer in reply to the following:

1004
27128/1903.
20004/1903.
73203/1903.

Department of the Interior,
Office of Indian Affairs,
Washington, March 3, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith for the consideration of the Department, the record of the proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of Martha Gales for the enrollment of herself, which application includes other parties, but who are differently classified and whose cases are not now under consideration; of Susan Brown for the enrollment of herself; of Louis T. Brown for the enrollment of himself; and of Ella J. Hill for the enrollment of herself and her two minor children, Bessie and Herbert L. Hill; all as Cherokee freedmen.

On April 22, 1903, the Commission rendered a decision in this case, finding from the evidence that Martha Gales, Susan Brown and one Pomp Brown were the slaves of a Cherokee citizen at the commencement of the rebellion; that they were taken out of the Cherokee Nation during the rebellion and that none of them returned to and in good faith established his or her residence therein until after January 19, 1867; that the said Louis T. Brown and Ella J. Hill are descendants of said Pomp Brown, born since 1866 and have

no rights as Cherokee freedmen except such as they may have acquired through him; that the said Bessie and Herbert L. Hill are the minor children of the said Ella J. Hill, and have no rights as Cherokee freedmen except such as they may have acquired through her and that none of the applicants herein are found on the 1860 authenticated Cherokee roll.

By reason of these findings and facts, the Commission is of the opinion that these parties are not entitled to enrollment as Cherokee freedmen citizens of the Cherokee Nation and that their applications therefore should be denied under the provisions of Sec. 21 of the Act of Congress approved June 28, 1902 (30 Stat., 498.)

On May 8, 1903, the Department forwarded what is termed an appeal from the decision of the Daves Commission in the matter of the application of Louis T. Brown for enrollment as a Cherokee freedman and on November 7, 1903, a brief in behalf of the nation in said case was transmitted by the Department, both of which are enclosed herewith.

It appears from the evidence set out in this case that the testimony taken in the matter of the application of Docky Vekker and Russell Henderson for enrollment as Cherokee freedmen is made a part of the record in this case and constitutes a large part of the evidence submitted herein.

I do not approve of this practice of the Commission of making the evidence in one case a part of the evidence in another

case, or in other words of taking the entire testimony submitted in a certain case and incorporating it bodily as testimony in another case. Such practice would not be permitted in any court and it is entirely foreign to all the rules, of evidence, unless done by the consent of both parties. In these Cherokee Freedmen cases it invariably brings before the office and the Department a large amount of testimony which is no way relevant to the subject under consideration and that part of the same which may be considered relevant is adduced under entirely different circumstances and relates to an entirely different individual from the one under consideration.

Both the applicant and the nation as a rule are represented by attorneys, especially where the matter is much litigated, and these attorneys have access to this testimony that has been introduced in other cases and can easily submit in a much shorter way the testimony which they think is germane to the matter being investigated. I do not consider that it is fair either to the applicant or the Nation to lug in a lot of testimony which is taken at some other time and place in some other case and perhaps under entirely different circumstances, to try and prove some fact that may be at issue in the case then being heard.

Both the applicants and the nation have a right to cross-examine the witnesses called to testify against them and this right is precluded when the testimony is made a part of the record as has been done in this case.

-4-

Passing from this matter to the question at issue, I have gone through this testimony and find it very difficult to determine just what the facts are in the case. The brief of the applicant, Louis T. Brown, filed herewith and the brief of the Cherokee Nation both make quite a full statement of their respective claims.

There is a great deal of uncertainty about many of the alleged facts in said briefs, but on the whole I think the Nation has perhaps made out the best case.

The applicant, Louis T. Brown, makes strong contention that his grandmother, the mother of Pomp Brown, a Rosa Melton, was enrolled on the 1860 roll, page 708, No. 831, Sequoyah District, and that her enrollment had been approved by the Department, and therefore that the said Pomp Brown, being a miner in 1866, is entitled to enrollment as a descendant of his said mother. The Nation in its brief does not contest the fact to any great extent that Rosa Melton was the mother of Pomp Brown. It does state that there is no testimony that Pomp Brown ever lived with Rosa Melton, or that he ever made her place his home and that there is no testimony that Rosa Melton was a slave of Jim Brown, or that Pomp Brown lived in the same family with Rosa Melton prior to the war.

The nation then passes that question and sets out that its contention is that under the 8th article of the treaty of 1866, it was incumbent and necessary for the said Pomp Brown to have returned, himself, within the time prescribed by the treaty in order that

citizenship might attach to him; that he had no rights of citizenship in the Cherokee Nation prior to the war; that he never acquired any except by complying with the provisions of the treaty of 1866 and that there are no exceptions whatever in behalf of minors.

The nation then cites the opinion of Assistant Attorney General Van Devanter given May 31, 1906, wherein it is stated that infancy is not exempt from the limitations upon the time in which applications for citizenship by persons not on a tribal roll were required to be made by the act of June 10, 1898, but I do not consider that this opinion necessarily applies to the provisions of said Sec. 9, of the treaty of 1866.

I have heretofore held that the word "descendants" as used in said Sec. 9 is applicable to minor children of such Cherokee freedmen as did comply with its provisions, and if as a matter of fact the said Louis T. Brown is a descendant of the said Rosa Helton, and if her name is on the 1866 roll, then this applicant is entitled to enrollment without regard to his father's status, for Louis T. Brown is clearly a descendant of the said Rosa Helton if he is her grandson and comes within the very class which the nation in its brief admits would be entitled to the benefits of the provisions of said Sec. 9.

The Commission in its decision, does not pass upon this phase of the question, and I presume did not consider it necessary for some reason, but as that reason is not given I deem it necessary under the evidence and circumstances and in accordance with the law,

to hold that the said Louis P. Brown is entitled to be enrolled as a
Service program citizen of the United States, unless the nation
can show that the said Louis Brown is not his grandfather or that
his name does not appear on the 1890 enumerated Service rolls.
As to the other matters herein referred to, the decision of the
Commissioner and their application should be denied.

Very respectfully,

W.P.H.

Acting Commissioner.

RECEIVED
U.S. DEPARTMENT OF JUSTICE
DIVISION OF INVESTIGATION
WASHINGTON, D.C.
MAY 10 1918

COPY.

Cherokee P. D.
92, 93, 94 & 188.

Muskogee, Indian Territory, April 24, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Martha Gales et al., together with a copy of the Commission's decision, dated April 22, 1903, rejecting the applications of Martha Gales, Susan Brown, Louis T. Brown, Ella J. Hill, Bessie Hill and Herbert L. Hill, as Cherokee Freedmen.

Respectfully,

Farns Bixby.
Chairman.

Enc. M-2158

Through the
Commissioner of Indian Affairs.

COPY.

Cherokee F.D.
92,93,94 & 236.

Waskagee, Indian Territory, April 24, 1903.

F. W. Hastings,

Attorney for the Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 22, 1903, in the consolidated case of Martha Gales et al., rejecting the applications for the enrollment of Martha Gales, Susan Brown, Louis T. Brown, Ella J. Hill, Bessie Hill and Herbert L. Hill, as Cherokee Freedmen.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Tames Bixby.
Chairman.

Enc. N-153

COPY

Cherokee F.D.
92, 93, 94 & 256.

Muskogee, Indian Territory, April 24, 1903.

Louis T. Brown,

Agent for Martha Gales et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of supplementary proceedings in the consolidated case of Martha Gales et al., together with a copy of the Commission's decision rejecting the applications for the enrollment of Martha Gales, Susan Brown, Ella J. Hill, Bessie Hill, Herbert L. Hill, and yourself, as Cherokee Freedmen. You have heretofore been furnished with a copy of the record of proceedings had in the original applications.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

James Bixby.

Chairman.

Enc. M-151

Register.

(COPY)

W.C.F.

D.C. 12345

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

FILE

I.T.D. 1880-1904.

April 19, 1904.

L R S

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

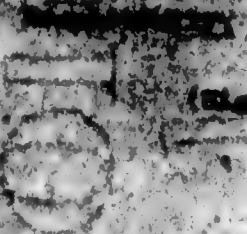
April 24, 1903, you transmitted the record in the consolidated Cherokee freedmen case of Martha Gales, et al., (Cherokee F.D. 92, 95, 94 & 206), including your decision of April 23, 1903, rejecting the applications of Martha Gales, Susan Brown, Louis T. Brown, Ella J. Hill, Beanie Hill and Herbert L. Hill.

Reporting March 3, 1904, the Acting Commissioner of Indian Affairs states that under the evidence and in accordance with the law, the applicant Louis T. Brown is entitled to enrollment as a Cherokee freedman citizen of the Cherokee Nation, unless the Nation can show that Rosa Walton was not his grandmother, or that her name does not appear on the 1880 authenticated Cherokee roll. The Acting Commissioner concurs in your decision as to the other applicants herein.

The rights of the applicants will not be adjudicated at the present time. You are directed to notify the applicant, Louis T. Brown, and the attorney for the Cherokee Nation, of the recommendation of the Acting Commissioner, and to allow said attorney

with the view of which to submit your additional arguments to my
office, and the applicant may also be asked to appear there.

A copy of the Acting Commissioner's letter is inclosed.



(Signed) Theo. Ryan

Acting Secretary.

1 inclosure.

Cherokee Freedmen
D 94.

Muskogee, Indian Territory, April 30, 1904.

Louis T. Brown,
Vinita, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee freedman, you are advised that the Commission is in receipt of Departmental letter of April 19, inclosing a copy of Commissioner of Indian Affairs' letter of March 3, which states: ".....

under the evidence and in accordance with the law, the applicant, Louis T. Brown, is entitled to enrollment as a Cherokee freedman citizen of the Cherokee Nation, unless the Nation can show that Rosa Melton was not his grandmother, or that her name does not appear on the 1880 authenticated Cherokee roll."

In accordance with the instructions contained in the Department's letter the attorney for the Cherokee Nation has this day been advised that he will be allowed thirty days from date hereof in which to file with the Commission for transmission to the Department any argument he may desire to submit in this case, a copy of which argument he will be required to furnish you. You are advised that you will be allowed ten days additional in which to file with the Commission for transmission to the Secretary a reply to said argument.

Respectfully,

Chairman.

Cherokee Freedmen
D. 24

Muskogee, Indian Territory, April 30, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Louis T. Brown for enrollment as a Cherokee freedman you are advised that the Commission is in receipt of Departmental letter of April 19, transmitting a copy of Commissioner of Indian Affairs' letter of March 3, which states

".....under the evidence and in accordance with the law, the applicant, Louis T. Brown, is entitled to enrollment as a Cherokee freedman citizen of the Cherokee Nation, unless the Nation can show that Rosa Melton was not his grandmother, or that her name does not appear on the 1880 authenticated Cherokee roll."

In accordance with the instructions contained in the Department's letter you are advised that you will be allowed thirty days from this date in which to file with the Commission for transmission to the Secretary of the Interior any argument you may desire to submit in this case, a copy of which argument you will be required to furnish the applicant.

Respectfully,

Chairman.

Cherokee Freedman
B 94

Muskegee, Indian Territory, May 6, 1904.

Louis T. Brown,
Vinita, Indian Territory.

Dear Sir:

In accordance with your request of May 3, there is herewith inclosed to you a copy of Department letter of April 19, together with a copy of the Commissioner of Indian Affairs' letter of March 3, in the matter of your application for enrollment as a Cherokee freedman.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-94.

Muskogee, Indian Territory, June 6, 1904.

Louis T. Brown,

Vinita, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of June 2, stating that the thirty days allowed the attorney for the Cherokee Nation within which to file argument in your application for enrollment as a Cherokee freedman, has now expired, and asking to be advised if said attorney has filed his argument in your case. You also ask to be furnished with a copy of the record of the application of Rosa Melton for enrollment as a Cherokee freedman.

In reply you are advised that the Commission has not yet received the argument of the Cherokee Nation's attorney in your case. You are further advised that the Cherokee Land Office is in possession of the jacket and record in the enrollment case of Rosa Melton, and you should address that office for a copy of the testimony.

Respectfully,

Chairman.

Muskegee, Indian Territory, June 23, 1904.

Louis T. Brown,

Vinita, Indian Territory.

Dear Sir:

The Commission is in receipt of your motion asking that the Cherokee Nation's argument in Cherokee Freedmen D 94, Louis T. Brown, et al., be not received for the reason that it was filed after the time allowed the Nation for filing argument.

You are advised that this motion, together with the Cherokee Nation's argument have this day been forwarded to the Secretary of the Interior for attention.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, June 24, 1904.

The Honorable,

The Secretary of the Interior.

Dear Sir:

Referring to Departmental letter of April 19, 1904 (I.T.D. 1850-1904), there is herewith inclosed argument on behalf of the Cherokee Nation. This argument was filed after the thirty days allowed for same in accordance with the instructions contained in the Departmental letter, and there is also inclosed herewith a motion on behalf of the applicant's agent, asking that the Department refuse to receive and consider the Nation's argument.

There is also inclosed herewith letter of May 5, from Rosa Melton, grandmother of the applicants, which letter was forwarded to the Commission with Commissioner of Indian Affairs' letter of May 11 (Land 3798-1904), with request that same be returned with the arguments of the parties in the case.

Respectfully,

Encl. V-01

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

SPECIAL

JYJr.

DEPARTMENT OF THE INTERIOR,
D.C. 13261-1906
WASHINGTON.

LLB

I.T.D.1850,5566-1904.

April 10, 1906.

LRS

Commissioner to the Five Civilized Tribes,
Muskegee, Indian Territory.

Sir:

On April 24, 1903, the Commission to the Five Civilized Tribes transmitted the record, together with its decision, in the matter of the application for the enrollment of Martha Gales for herself; Susan Brown for herself; Louis T. Brown for himself, and of Ella J. Hill for herself and her two minor children, Bessie and Herbert L. Hill, all as Cherokee freedmen.

Reporting March 3, 1904, the Acting Commissioner of Indian Affairs stated that he believed the applicant Louis T. Brown was entitled to enrollment as a Cherokee freedman, unless the nation could show that Rosa Melton was not his grandmother, or that her name did not appear on the authenticated roll of 1860.

April 19, 1904, the Department informed the Commission that the attorneys for the Cherokee Nation would be given 30 days to submit additional argument and the applicants 10 days in which to answer the same.

June 24, 1904, the Commission forwarded the argument submitted by the attorneys for the Cherokee Nation, together with

a motion of the applicants, requesting the Department to refuse to consider the argument presented by the nation. This motion of the applicants was denied by the Department on November 26, 1904.

January 4, 1906, the applicants filed supplemental argument with the Department.

January 24, 1906, the Acting Commissioner of Indian Affairs transmitted the reply of the attorneys for the Cherokee Nation to the supplemental argument submitted by the applicants.

It appears from the record that on April 22, 1903, the Commission to the Five Civilized Tribes rendered a decision adverse to the applicants.

In view of the decision of the Assistant Attorney-General dated March 22, 1904, in the cases of Joseph Campbell and John Taylor, and of the decision dated December 14, 1904, in the matter of the Mary W. Greenleaf case, neither Louis T. Brown nor Ella J. Hill and her two children, Bessie and Herbert L. Hill, can claim any rights by reason of the fact that their grandmother's name appears on the authenticated roll of 1880.

The Department considers that the decision of the Commission to the Five Civilized Tribes dated April 22, 1903, denying the right of enrollment as Cherokee freedmen to Martha Gales, Susan Brown, Louis T. Brown, Ella J. Hill, Bessie Hill, and

Herbert L. Hill is correct, and said decision is hereby affirmed.

Respectfully,

B. A. Hitchcock,

Secretary.

Cherokee F.D. 94.

COPY.

Muskogee, Indian Territory, April 19, 1906.

Louis T. Brown,

Attorney for Martha Gales et al,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated April 21, 1903, rejecting the applications for the enrollment of yourself, Martha Gales, Susan Brown, Ella J. Hill, Bessie Hill and Robert L. Hill, as Cherokee freedmen, was affirmed by the Secretary of the Interior April 10, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Very respectfully,

SIGNED

Wm C Beall
Acting Commissioner.

Encl.
WCP-119.

COPY.

Cherokee F.D.92.

Muskogee, Indian Territory, April 19, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, rendered on April 22, 1903, denying the applications for the enrollment of Martha Gales, Susan Brown, Louis T. Brown, Ella J. Hill, Bessie Hill and Herbert L. Hill, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 10, 1906.

For your information a copy of the Departmental decision referred to is herewith enclosed.

Very respectfully,

(SIGNED).

Wm O Beall
Acting Commissioner.

Encl.
MMP-619.

Cherokee Freedmen
R 765 et al.

Muskogee, Indian Territory, August 30, 1906

Louis T. Brown,

Muskogee, Indian Territory.

Dear Sir:

This office is in receipt, on June 25, 1906,
of a motion made by you for a rehearing in the consolidated
Cherokee freedmen enrollment case of yourself and others.

Said motion will receive the proper considera-
tion of this office, and be transmitted to the Depart-
ment for action thereon, at the earliest practicable date
of which you will be promptly advised.

Respectfully,

L M B

Acting Commissioner

Muskogee, Indian Territory, February 9, 1907

The Honorable,

The secretary of the Interior.

Sir:

There is enclosed a motion filed June 23, 1906, for a rehearing of the Cherokee freedmen enrollment case of Louis T. Brown and Ella J. Hill et al. The reply of the Attorney for the Cherokee Nation, to this motion, filed July 3, 1906, is also enclosed.

April 10, 1906 (I.T.D. 1850,5866-1904), the Department affirmed the decision of the Commission to the Five Civilized Tribes dated April 22, 1903, rejecting, among others, the applications for the enrollment of Louis T. Brown and Ella J. Hill and her minor children, Bessie and Herbert L. Hill, as Cherokee freedmen.

There is no question of law or fact now presented which has not heretofore been considered in connection with the case, and it is respectfully recommended that the motion be denied.

Respectfully,

Through the Commissioner
of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

Land.
1883-1906
18370-1907.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

February 26, 1907.

(COPY)

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of April 10, 1906 (I.T.D.1850, 5566-1904), affirming the decision of the Commission to the Five Civilized Tribes, dated April 22, 1903, rejecting, among others, the application for the enrollment of Louis T. Brown and Ella J. Hill and her minor children, Bessie and Herbert L. Hill, as Cherokee freedmen, I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated February 9, 1907, enclosing a motion filed with the Commissioner on June 25, 1906, for a rehearing in this case, together with the reply of the attorney for the Creek Nation, filed July 5, 1906.

The motion sets out no question of law or fact that has not heretofore been considered in connection with the case. There never has been any question but that the applicants were the children of Pomp Brown and the grandchildren of Rosa Melton. Even if the facts alleged in support of the motion were true, it would still lack the essential element of showing that due diligence had been shown heretofore in securing the testimony, and the Office concurs in the recommendation of the Commissioner that the motion be denied.

WFB--ED.

Very respectfully,
C. F. Larrabee,
Acting Commissioner.

DEPARTMENT OF THE INTERIOR, LIE.

J.F. Jr.

WASHINGTON.

D.C. 12320-1907.

I.T.D. 8570-1907.

IPS.

March 1, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The motion for rehearing of the Cherokee freedman case of Louis T. Brown and Ella J. Hill et al., received with your letter of February 9, 1907, and Indian Office letter of February 26, 1907 (Land 18370), is hereby denied, in accordance with your recommendation and that of the Indian Office.

Even if the motion presented a prima facie case for investigation, which it does not, the Department would not be warranted in ordering a rehearing, in view of the provisions of section 2 of the act of April 26, 1906 (34 Stat., 137), relative to the completion of the citizenship rolls of the Five Civilized Tribes.

A copy of Indian Office letter is inclosed.

The papers in the matter and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

(Signed) Jesse H. Wilson,

Assistant Secretary.

2 ins. and 25 to Ind. Of.

A. F. No.

2-1-07.

Cherokee freed-
man R 765

Muskogee, Indian Territory, April 2, 1907.

Louis T. Brown,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed
by your attorneys, Starr & Patten, for a rehearing in the
Cherokee freedman enrollment case of yourself, was de-
nied by the Secretary of the Interior March 1, 1907.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

MP

Cherokee freed-
man R 764

Muskogee, Indian Territory, April 2, 1907.

W. W. Hastings,

Attorney for Cherokee Nation.

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed for a rehearing in the Cherokee freedman enrollment case of Louis T. Brown and Ella J. Hill, et al., was denied by the Secretary of the Interior March 1, 1907.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl.P-4-11
MMP

Acting Commissioner.

Cherokee freed-
man R. 764

Muskogee, Indian Territory, April 2, 1907.

Messrs Starr & Patten,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the motion filed by you for a rehearing in the Cherokee freedman enrollment case of Louis T. Brown and Ella J. Hill, et al., was denied by the Secretary of the Interior March 1, 1907.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Incl. 24-10
MMP


Acting Commissioner.

E

3294

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUN 6 1901


ACTING CHAIRMAN.

Copy

State of Kansas, Office of Probate Judge
County of Anderson of said County.
Be it remembered, that on the 22nd day of December
A.D. 1870, there was issued from the Office of said
Probate Judge, a Marriage License, of which the
following is a true copy:

Marriage License.

Anderson County, State of Kansas,

Garnett, December 22nd A.D. 1870,

To Any Person Authorized By Law To Perform The Marriage
Cerimony Greeting:

You are hereby authorized to join in marriage
Samuel Brown of Bourbon Co, Kas, aged 21 years
and Amanda Burns, of Humboldt, Kas, aged 18 years.
and of this License you will make due return to
my office within thirty days.

seal

MCA Page, Probate Judge

And which said Marriage License was afterwards,
to-wit: on the 10th day of January, A.D. 1871, returned
to said Probate Judge, with the following Certificate
endorsed thereon, to-wit:

State of Kansas } ss.
County of Allen }

I, James Lewis do hereby certify, that in accordance
with the authorization of the within License, I did,
on the 23rd day of December A.D. 1870 at Humboldt
in said County, join and unite in marriage
the within named Samuel Brown and
Amanda Burns

Witness my hand and seal this day and year above
written, James Lewis,

You are hereby authorized to join in marriage
Samuel Brown of Bourbon Co. Kas. aged 21 years
and Amanda Burns, of Humboldt, Kas. aged 18 years
and of this License you will make due return to
my office within thirty days.

seal

M. A. Page, Probate Judge.

And which said Marriage License was afterwards,
to-wit: on the 10th day of January, A.D. 1871, returned
to said Probate Judge, with the following Certificate
endorsed thereon, to-wit:

State of Kansas }
County of Allen } ss.

I, James Lewis do hereby certify, that in accordance
with the authorization of the within License, I did,
on the 23rd day of December A.D. 1870 at Humboldt
in said County, join and unite in marriage
the within named Samuel Brown and
Amanda Burns

Witness my hand and seal this day and year above
written, James Lewis,

Pastor Presb. Ch. Humboldt, Kas.

Attest

probate judge.

J. M. Higgins, Judge and ex-officio clerk of
the Probate Court of Anderson County, Kansas
Certify the above and foregoing to be a full, true
and correct copy of marriage License and Certificate
of marriage, as the same appears upon the records
of this Court. Dated this 4th day of June A.D. 1901.

J. M. Higgins, Probate Judge

F 1994

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
APR 17 1901



ACTING CHAIRMAN

Year	Month	Day	Time	Location
1900	Jan	1	10:00	Washington
1900	Jan	2	10:00	Washington
1900	Jan	3	10:00	Washington
1900	Jan	4	10:00	Washington
1900	Jan	5	10:00	Washington
1900	Jan	6	10:00	Washington
1900	Jan	7	10:00	Washington
1900	Jan	8	10:00	Washington
1900	Jan	9	10:00	Washington
1900	Jan	10	10:00	Washington
1900	Jan	11	10:00	Washington
1900	Jan	12	10:00	Washington
1900	Jan	13	10:00	Washington
1900	Jan	14	10:00	Washington
1900	Jan	15	10:00	Washington
1900	Jan	16	10:00	Washington
1900	Jan	17	10:00	Washington
1900	Jan	18	10:00	Washington
1900	Jan	19	10:00	Washington
1900	Jan	20	10:00	Washington
1900	Jan	21	10:00	Washington
1900	Jan	22	10:00	Washington
1900	Jan	23	10:00	Washington
1900	Jan	24	10:00	Washington
1900	Jan	25	10:00	Washington
1900	Jan	26	10:00	Washington
1900	Jan	27	10:00	Washington
1900	Jan	28	10:00	Washington
1900	Jan	29	10:00	Washington
1900	Jan	30	10:00	Washington
1900	Jan	31	10:00	Washington

FD 911

AMAZON

10

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Louis T. Brown,

Vinita, I.T.

Cherokee F-D-94

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cher. Fr. R. 766

Trans. from C. Fr. D. 811

Cher. Fr. R. 766

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. June 23, 1901.

In the matter of the application of Daniel Alberty for the enrollment of himself and four children as Cherokee freedmen; he being sworn by Commissioner T. B. Needles, testified as follows:

James Davenport attorney for the Cherokee Nation.

I. P. Kiedace, Agent for the applicants'

By Sen'r Needles:

- Q What is your name? A. Daniel Alberty.
Q How old are you? A. 58.
Q What is your post office address? A. Tahlequah.
Q In what district do you live? A. Tahlequah.
Q Do you apply to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who do you want to have enrolled besides yourself? A. Four children.
Q What are the names of your children? A. Joseph.
Q How old? A. 26 years old.
Q Next one? A. Hannah.
Q How old? A. 16 years.
Q Next? A. Willie, a girl.
Q How old is she? A. 15 years.
Q Next one? A. Ellis.
Q How old? A. 11 years.
Q Is your name on the roll of 1880? A. No sir not on any of the rolls it is on some of the district rolls.
Q Are you married? A. I have been, me and my wife are separated, we have not lived together for ten years.
Q Who is the mother of these children? A. Martha.
Q Who a citizen? A. No sir.
Q Who is what is known as a state raised woman? A. Yes sir.
Q Have you any proof of your marriage? A. No sir, I can get it but have not got it here.
Q Were you a slave? A. Yes sir.
Q To whom did you belong? A. Mose Alberty.
Q Was he a citizen of the Cherokee Nation? A. Yes sir.
Q Were you taken out of the Cherokee Nation during the war? A. Yes sir.
Q Where to? A. Choctaw Nation.
Q Never went any further south did you? A. No sir.
Q When did you come back? A. The second fall after the surrender.
Q When was that? A. In '66 I guess; they surrendered in '65 didn't they?
Q Do you know what year you got back here? A. About that time, I can't keep correct count.
Q Have you lived here ever since? A. Yes sir in the Cherokee Nation and in the Choctaw Nation.
Q Where were these children born? A. Two was born in the Cherokee Nation and two was born in the Choctaw Nation.
Q Where was Joseph born? A. In the Cherokee Nation.
Q Where was Hannah born? A. In the Choctaw Nation.
Q Where was Willie born? A. In the Choctaw Nation.
Q Where was Ellis born? A. In the Cherokee Nation.
Q Where were you married to? A. In the Choctaw Nation.
Q Was your wife a Choctaw? A. No sir.

By I. P. Kiedace

Q Do you know what time you returned here, was it in the fall or in

the spring? A. Near December, near Christmas, near December or November
Q Do you know whether or not it was in the year 1861 A. It was the
second fall after the surrender.

Q And that was in November or December of '65? A (No response)

By Don'r Needler- The witness didn't say that at all.

By witness: * I said that they had quit fighting, my old boss said so,
that was in April or May and I was not here then and the next year I
was here, they quit fighting as my boss said in '63 and I came here the
next year.

By Eledree-

Q How long did you live in the Choctaw Nation? A. Staid there until
the next fall? A. I mean since you come back here after the war? A.
I really didn't make my home in the Cherokee Nation or Choctaw Nation
either then, I was first in one nation and then in the other.

Q Where mostly? A. In the Cherokee Nation

Q Where are you living now? A. In the Cherokee Nation-

By Commissioner

Q What place? A. Tahlequah.

By Eledree.

Q How came you to marry your wife in the Choctaw Nation? A. My father
in law and my wife and I saw down there in the Choctaw Nation and I
got acquainted with here when I was down there.

Q You went back there afterwards and married her? A. Yes sir,

Q And then lived in the Cherokee Nation ever since? A. (No response)

By the Commission-

Q Why is your name not on the roll of 1869? A. I was at Fort Smith
then.

Q Did you ever apply to the Cherokee authorities to be enrolled? A.
Yes sir.

Q When? A. For the last ten years.

Q Did you apply to the Burn Clifton Court? A. Yes sir.

Q Did you draw that money? A. No sir.

By Ravenport-

Q Where did you go when the war broke out? A. To the Choctaw Nation.

Q You lived there a number of years didn't you? A. No sir.

Q You lived there until three of your children were born didn't you?
A. No sir, I was here before I had a wife.

Q Where did you have a home in the Cherokee Nation before you went
there--after the war? A. At Vinita.

Q What did you live there? A. When the Wallace roll was made I was
staying there.

Q Did you make that you knew that? A (No response)

Q What did you know when you was living there? A. All these darkeys

Q Any Choctaws or whites? A. No. Tahlequah.

Q Did you live with her or work for her? A. No sir.

Q How far did you live from her, somewhere when you lived in Vinita?
A. I don't know, she lived right there though.

Q In the town part of the city? A. I don't know.

Q How long did you live there? A. A year or such a matter.
 Q Who with? A. One of my cousins.
 Q One of your cousins? A. Yes sir, a woman.
 Q Well did she have a name? A. Yes sir, Helt, Betty Helt.
 Q Where was your wife then? A. In the Choctaw Nation.
 Q Where were your children then? A. In the Choctaw Nation.
 Q How long did you stay in Vinita at that time? A. A year and a half.
 Q You came up there when they were making the Wallace roll? A. Yes sir, I was there before and after that—the whole time I was there was a year and a half.
 Q How long before the Wallace roll was made did you come to Vinita? A. Good God I came directly after I was freed.
 Q Where did you come to first? A. When I first got here I came to Gibson, to Fort Gibson with a white man.
 Q As a matter of fact you belonged to that white man at the time the war broke out didn't you, down in the Choctaw Nation? A. No sir, my owners was living in Sevier county district.
 Q You came with a white man and was right on to Meeche didn't you? A. No sir.
 Q How long did you stay in Fort Gibson? A. 4 months.
 Q And that white man staid there too? A. Yes sir.
 Q You was with him to Meeche didn't you? A. Yes sir.
 Q You and he went there together? A. Yes sir.
 Q And you staid there 4 years didn't you? A. No sir.
 Q How long? A. I dont know.
 Q And you also went to Fort Smith? A. Yes sir, but I went to Sculleyville first.
 Q How long did you stay in Fort Smith? A. A day or two.
 Q Who did you live with at Fort Smith? A. Webb something or other, he was working on a boat.
 Q That was in 67? A. No sir.
 Q After that where did you go? A. In 68 and '69 I chopped wood for a man named George Vann and old Bruner.
 Q The George Vann you chopped wood for is the George W. Vann who is commonly known as No Gummy? A. I dont know.
 Q Well did you work for George Vann in '68? A. Yes sir.
 Q Well dont you know that this man George W. Vann or NoGummy was not in this country at that time? A. No sir I dont.
 Q Did he have a family at that time? A. Seems to me that his family was in Little Rock.
 Q He was living at Fort Smith hi self, wasn't he? A. No sir.
 Q Two or three of your children were born in the Choctaw Nation? A. Yes sir.
 Q What year did you marry? A. 35 years ago.
 Q When did you first bring your family to the Cherokee Nation? A. One year after I married.
 Q What part did you bring them to? A. Fort Smith, near there in the Cherokee Nation.
 Q Who did you live by there? A. Joe Bruner.
 Q Your family lived in Fort Smith didn't it? A. My wife principally lived in the Choctaw Nation, staid with her daddy, I couldn't get her to live in the Cherokee Nation.
 Q Where is your wife now? A. In the Choctaw Nation.
 Q Where are your children? A. One is with me and the others is in the Choctaw Nation.
 Q Where was Joe Bruner? A. In the Cherokee Nation at the place that the old man Vann owned.
 Q How far from Fort Smith? A. 3 or 4 miles.
 Q On this side of the river? A. Yes sir.

Q Who was your neighbors? A. This blind fellow, Lee Hayes, his mother and a whole lot lived there where Cherokee Station is.

Q You testified in your case before the Sam Clifton Commission didn't you? A. Yes sir.

Q You swore then that you were married in the Choctaw Nation? A. Yes sir.

Q You swore that Joe was born there? A. Yes, sir.

Q You swore that Hannah was born in the ~~Choctaw~~ Cherokee Nation? A. Yes sir.

Q You deny now that you swore that Joe was born in the Choctaw Nation? A I don't know what I swore then, but I know that Joe was born in the Cherokee Nation.

Q You and your wife were living together only when Joe was born? A. Yes sir.

Q Where did you see Jim Alberty when you first came back to the Cherokee Nation after the war? A. Fort Gibson, and then up above the river on the Mathews place.

Q Did you meet him in the road? A. No sir.

Q Stay at his house? A. Yes sir, staid there all night.

Q Did you and the white man you were with stay there all night? A. There was a whole lot of us staid there all night.

Q Did you have some horses with you? A. Had mules and horses.

Q When did you see George Vann, your witness after the war for the first time? A. At Fort Gibson.

Q When was it, what time of the year was it? A. Near Christmas.

By the Commission-

Q You and your wife are not living together now are you? A. No sir.

Q Where are these children? A Three are with her and one is with me.

Q Did you ever apply to the Choctaw Nation to have these children enrolled? A. No sir, I didn't apply to the Choctaw Nation, only to the Cherokee Nation.

Q These children are all living at this time are they? A. Yes sir.

Q Do you know it for certain? A. Yes sir I gets letters from them.

Q You never really kept house in the Cherokee Nation with your family did you? A. No sir, just with this boy, he and I live in the Cherokee Nation

Q Not with your family? A. Only this boy.

Q Did your family ever live in the Cherokee Nation? A Yes sir a short time.

Q Did you and your wife ever keep house here? A. Yes sir.

Q How long? A. She staid with me about three months.

Q Where was that? A. At Tahlequah.

Q How did your oldest child happen to be born in the Cherokee Nation? A She came here, I sent for her.

Q You and your wife never lived together and kept house for any time in the Cherokee Nation, did you? A. Yes sir, but then I never really put myself down to keep house like a man ought to do, and I have always kept her and gave her money and provided for the children.

Jim Alberty, called and sworn as a witness for the applicant-

By the Commission:

Q What is your name? A. Jim Alberty.

Q How old are you? A. 78 years old sir.

Q What is your post office address? A. Cherokee.

By I. P. Kladner-

- Q Do you know Daniel Alberty? A. Yes sir.
Q Was he a slave? A. Yes sir.
Q Who was his master? A. Ness Alberty.
Q Was he a Cherokee citizen? A. Yes sir.
Q Was Daniel taken out of the Cherokee Nation during the war? A. Yes sir.
Q Where to? A. South to the Choctaw Nation.
Q When did he come back? A. In 1866.
Q When did you first see him after he returned? A. At my house.
Q Where? A. In the Cherokee Nation on the Nancy Margham Place.
Q Has he always made the Cherokee Nation his home since his return?
A. I don't know sir.
Q How often have you seen him since then? A. Several times at Tallah-
quah and at Oost.

By James Davenport-

- Q You say you have seen him at Tallahquah? A. Yes sir.
Q How long ago was that? A. Several years.
Q Well about how many? A. This side of five years.
Q When you saw him after he got the first time after the war, who was
with him? A. By himself.
Q What was he doing? A. Just come there and staid all night and went
to the houses below me and worked.
Q Was there no one with him at all? A. No sir.
Q How long did he work at the houses? A. A few days.
Q Which one of the houses? A. See, colored man and a preacher down
there.
Q You didn't see him any more for years? A. It has been several years.
Q You don't know where he went to from the houses? A. No sir.
Q About how long ago after that time was it before you saw him again?
A. It has been about 4 or 5 years ago.

By the Commissioner-

- Q You do or saw him any more from then until about 4 or 5 years ago,
is that it? A. Yes sir.

George Vann called did swear as a witness for the applicant,
testified as follows:

By the Commission;

- Q What is your name? A. George Vann.
Q What is your age? A. 52.
Q What is your post office address? A. Lempah.

By Kladner-

- Q Do you know Daniel Alberty? A. Yes sir.
Q How long have you known him? A. The first time I ever saw him
in my life was in '66 at Oost with a band of Indian horses.
Q How did you first see him? A. Good his name at Tallahquah.
Q How long was it at that place?

By Mr. Davenport-

Q When you saw him with those horses he was with a white man going to Missouri? A. Yes sir, we there some where, I don't know where.

By Commission of the applicant? A.

Q You never drew Cherokee strip money for these children? A. No sir.

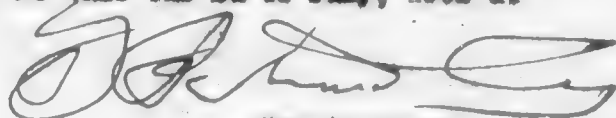
By Sam'r Needles,--

Daniel Alberty applies for himself and four children, Joseph, Hannah, Willie, and Ellis; neither he nor his children can be found on any of the rolls of the Cherokee Nation now in the possession of the Commission; he avers that he was a slave, and was taken out of the Cherokee Nation into the Choctaw Nation and returned in '86; he makes satisfactory proof as to residence, as to his marriage or as to the birth of his children. he avers that he was married to one Martha, a non citizen, and that she is the mother of said children. It will be necessary for him to file proof of birth as to said children and also proof of marriage to his said wife Martha. He will now be listed for enrollment with his children as named herein, as Cherokee freedmen on a doubtful card and when the Commission has arrived at a final decision, he will be notified thereof by mail.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes

Chas von Weise

Subscribed and sworn to before me this the 24 of July, 1901 at
Nowata, I. T.



Commissioner.

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PAID
MAY 2 1966
COMMISSION TO FIVE TRIDES

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Department of the Interior,
Commission to the Five Civilized Tribes.
Muskegee, I. T., March 2, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application of Daniel Alberty, et al., for enrollment as Cherokee freedmen.

It appears that on the 29th day of January, 1904, the principal applicant and the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskegee, Indian Territory, on March 2, 1904, and then and there to introduce further testimony touching the matters stated in said letter.

APPEARANCES:

Applicant, Daniel Alberty, appears in person.
Cherokee Nation by its attorney, W. W. Hastings.

DANIEL ALBERTY, being first duly sworn, testified as follows:

By the Commission:

- Q What is your name? A Daniel Alberty.
Q What is your age? A 52 years, about, I don't know exactly.
Q What is your postoffice address? A Tahlequah.
Q You are the same Daniel Alberty that made application to the Commission three years ago for enrollment? A Yes, sir.
Q When did you say you returned to the Cherokee Nation? A In the fall of '66.
Q Where were you during the war? A Choctaw Nation.
Q Where at in the Choctaw Nation? A Doaksville.
Q Right close to the Red River? A Yes, sir, we went down to the line.
Q Who did you come back with? A Major Houston.
Q Anybody else? A Three or four black fellows come.
Q Who? A Jack Brown, Richmond Clever and Tom Harris.
Q Where are they now? A Two dead and one, Tom, one living, Tom Harris.
Q Where does he live? A Near Skulleyville in Choctaw Nation.
Q Have you ever had Tom Harris before the Commission as a Witness?
A No, sir, never had any way to get him here, and they never required it; told me to get two witnesses and I got them.
Q Where did you go to when you came back to the Cherokee Nation.
A Webbers Falls.
Q How long did you stay there? A Camped there three weeks.
Q Then where did you go? A Gibson.
Q How long did you stay there? A Until just after Christmas.
Q Then where did you go? A From Gibson away up here and when we turned back we were in Neosho, Missouri.
Q How long did you stay there? A About a month, a week, I reckon, or two near Neosho.
Q What time of the year was it you got back from Neosho? A We come back here, it was in January, about the last of January, back down here to Gibson.
Q That was January, '67? A Yes, sir, in '67.
Q Now, then, where did you come to in the Nation from Neosho?

A We come down here by the old place, the old Markham place, the old Markham prairie. We camped there and stayed there a week or so, and we come from there to Gibson, to Webbers Falls and clear on down to Skulleyville.

Q You went back to the Cherokee Nation? A Yes, sir.

Q How long did you stay that time? A A short time and I came back to the Territory. I got away from the man I was with and come back to the Territory, right near the place called the Campbell place.

Q In the Cherokee Nation? A Yes, sir.

Q What time of the year was it when you got back to the Campbell place? A About the last of March.

Q Early Spring, anyway? A Yes, sir, some time in March.

Q If I understand you when you came back first to the Cherokee Nation you come to Webbers Falls and went on through the Nation up to Neosho, Missouri, and stayed a while? A I never come back until we went up to Neosho, Mo., and come right back.

Q And stayed here how long? A We stayed in the Cherokee Nation, it must have been the last of March when we went over in the Choctaw Nation.

Q How long did you stay there? A About a week or two.

Q Where did you go from there? A Come back over in the Cherokee Nation.

Q To the Campbell place? A Yes, sir.

Q What time of the year was that? A Ploughing time.

Q Was that the Spring of the year after the treaty was made? A The treaty was in '66 they told me, I don't know.

Q It was the Spring of the year, of '67, when you come back the last time? A It was the Spring of '67 when I was at the Campbell place.

Q Where did you go from there? A I stayed with an uncle of mine and then we come back from there, me and two or three white fellows, Tom Harris was along, the other fellows went back home, and he come back near Gibson.

Q Were you left? A Yes, sir, he kept me---

Q Who kept you? A Old Major Houston. After we left Gibson we was back down there, but it was late in the summer we went to Fort Smith and back to Skulleyville, and then down on Red River.

Q That was the second trip you made down there after you come back here the first time? A It was the third trip I made to Gibson.

Q You had made two trips to the Choctaw Nation? A The second trip I made I went to Red River.

Q How long did you stay there the second trip? A Four or five months.

Q Then where did you go? Went away up here to this side of Coffeyville.

Q Is that in the Cherokee Nation? A Yes, sir, on what is called Snow Creek, I think. I had an uncle up there, Andy Daugherty.

Q How long did you stay there? A Three months.

Q Where did you go then? A Fort Smith, I worked there.

Q How long? A I worked at Fort Smith for four years, I didn't make my home there.

Q Where did you make your home? A At old man Bruner's there in the bottom.

Q Well, now, had you ever stopped long enough in the Cherokee Nation before you went to Fort Smith to work to make a home anywhere in the Nation? A No, it takes some time to make a home, but anywhere you can find kinsfolks, your kin people, you can make a welcome and can find a home.

Q Before you went to Fort Smith did you have any place in the Cherokee Nation that you called home? A I stayed at old Bruner's.

Q How long had you stayed there before you went to Fort Smith?

A The biggest part of four years, and when I wasn't at work I stayed there.

Q When you quit Fort Smith did you come back to the Nation? A Yes, sir, when I wouldn't be working I would come back home; I had no other home.

Q How long has it been since you were in Fort Smith to work? A About 20 years, I reckon, or 25.

Q Where have you been for the 25 years? A Here and in the Choctaw Nation.

Q In the Cherokee Nation? A In the Cherokee and Choctaw.

Q How much of the time have you been in the Choctaw Nation? A About half of the time, and Vinita, and sometimes around----

Q How long have you been living at Tahlequah? A About 14 years or 15.

Q That is the last 13 or 14 years? A Yes, sir, I have lived nowhere else.

By Mr. Hastings:

Q Where did you marry? A At Skulleyville.

Q Choctaw Nation? A Yes, sir.

Q When? A '75, I think it was.

Q How many children have you? A Three now.

Q How many have you had altogether? A About eight.

Q Have you and your wife lived together and kept house in the Cherokee Nation?

A If you don't call Tahlequah in the Cherokee Nation I---

Q Have you kept house? A Yes, sir.

Q Well, now, when did you keep house for the first time? A For the first time?

Q When did you and your wife live together and keep house in the Cherokee Nation the first time? A We stayed on a place three miles East of where the Cherokee is, I forget the old man's name, but it is the woman that Hannah Shannon stayed with all the time, the old man named Blackburn, I think it was. We stayed for several years right at old George Vann's and Bruner's.

Q That is the notorious George Vann? A I don't know nothing about about that notorious George Vann.

Q When did you stay there? A Aboutn'76.

Q Don't you know that he never was in the country in '76? A Yes, he was.

Q He testifies that in '76 he was in the Darkus-Baxter war in Little Rock and---? A He was in Fort Smith at the time.

Q Then you lived with George Vann in '76? A My wife stayed there--

Q Where did you stay? A I stayed most anywhere.

Q Did you and your wife ever keep house there? A Yes, we stayed there.

Q How long did you stay at George's? A From the first, about the - my wife stayed there, I guess, altogether, four or five years.

Q When did you begin? A About '76.

Q What time in the year? A Sometime in the Spring of the year.

Q How long did you stay then at George Vann's? A I made that my home with my wife about four years, not all the time, I worked and stayed there.

Q Where did you stay? A I want to take back a word or two.

Q You can take it all back if you want to. A I want to take back a word or two. George Vann, I think it was, if I ain't mistaken, that she was acquainted with, and she stayed there, but during that four or five years her mother was in the Choctaw Nation, and once or twice I had the care of her mother. Sometime she would be gone away from me four or five months.

- Q Daniel, don't you know that you can't get a single reputable witness, and couldn't in '96, that will swear that they have ever seen you keeping house in the Cherokee Nation before '91, and then in Tahlequah? A I couldn't say that you would consider them reputable
- Q Who can you find that saw you keeping house in the Cherokee Nation before '91? A Do you think---Joe Tittle---at Vinita----
- Q When did you live at Vinita? A Before '91.
- Q How long? A A year or so.
- Q Where did you live before you went to Vinita? A Folling around here on the River.
- Q On what river? A On the Arkansas River, near Fort Smith.
- Q On whose place were you living? ~~was~~ (No response).
- Q Don't know? A I told you that the most of my time I worked on this Valley road; my family was down there; sometimes she was down at her mother's. During the time she was at Vann's I was working at Fort Smith.
- Q How far did George Vann live from Fort Smith? A About 2 1/2 miles.
- Q That was across the River? A No, it was in the Nation.
- Q Fort Smith was across the River from Vann's wasn't it? A Yes, sir.
- Q On whose place did you ever work in that bottom? A In what bottom?
- Q Arkansas River bottom, near port Smith? A I worked on I don't know how many places.
- Q Tell one of them? A Do you know Dr. Bell?
- Q When did you work for Bell? A The first year I worked for Bell was about 17 years ago.
- ; I mean just after the war.
- Q The first trip you made up through here was with a man that had some horses wasn't it? A Yes, sir, a man by the name of Houston; he was a horse trader and a whiskey seller.
- Q This man that you went through the country with was a man with some horses was he? A He was selling horses and buying and trading and selling whiskey.
- Q He went along through the country and finally went to Neeshe? A Yes, sir, before I turned back.
- Q You went on then back through the Cherokee Nation to Skulleyville, Choctaw Nation, did you? A No, we didn't go straight through, he left me at Gibson.
- Q Who did you stay with there? A I seen a dozen---
- Q Who did you stay with at Fort Gibson? A Dave Alberty was living there and I stayed with him.
- Q Have you brought him as a witness? A Yes, sir.
- Q Does the record here show it? A I couldn't get him----
- Q You never have brought him, have you? A I can't-----
- Q You haven't, have you? A No, sir, I can.
- Q Who did you stay with at Webbers falls? A Stayed with that Houston.
- Q Who did you see there that you knew? A I got acquainted with them afterwards.
- Q Who did you get acquainted with there? A Creek Vann is one, but I didn't know him before the war---I didn't know anything of them.
- Q Well, after you come back from Skulleyville some time in March, as you state, in the Spring of the year, where did you first land in the Cherokee Nation? A At Mergan's Ferry.
- Q Who was running it? A I don't know whether it was Mergan or Johnson. It was the old Mergan Ferry.
- Q Who was running it? A To my best knowledge it was Johnson.
- Q Who did you stop with, right there, then? A My uncle.
- Q What was his name? A His name was Andy Daugherty.

- Q And Andy Daugherty was living there was he? A He was staying there, but he moved from there.
- Q How long did you stay with Any Daugherty? A A month or so.
- Q Did you work for anybody? A Worked down there at the river, with him.
- Q What was he doing? A Chopping wood or doing most any kind of work---cutting cord wood.
- Q Who did you cut wood for? A For him.
- Q Who did he cut for? The boat or somebody; I hope him.
- Q Where did you go from there? A To Fort Smith.
- Q Who did you work for there? A I worked for Bickles, the Cherokee Vicles or some such name. The man called it a Cherokee store, the first store on the bank.
- Q How long did you work for him? A I don't know; didn't work very long; any time most he had work to do I could get it, but I don't know how long I stayed with him. I would come back home and then go and work for him. After he moved I went up to Skulleyville in the Choctaw Nation, and when I come in the Nation again I came----
- Q About how long did Andy Daugherty live there before he moved away? A He moved away, I think, in about '69.
- Q Then you went to the Choctaw Nation did you? A After he moved? I did.
- Q Who did you stay with over there? A Tripplett
- Q Then who did you next work for in the Cherokee Nation? A Old Boyles.
- Q Is he living or dead? A His family is living, he is dead.
- Q Was he a colored man or Cherokee? A Colored man.
- Q What is his wife's name? A Darkus.
- Q Where do they live? A This side, near Red Oak, I think, above, west of Muldrow.
- Q In the Choctaw Nation? A No in the Cherokee Nation.
- Q Did you ever keep house in the Cherokee Nation? A Yes, sir.
- Q Where have you lived and kept house? A In Vinita, at Tahlequah 14 years.
- Q In early days, after you married, where did you keep house? A House of my own?
- Q Anybody's house. A Two years after I married I stayed at old man George's and kept house, she did.
- Q You never stayed there? A When I wasn't at work I stayed there.
- Q Where were you working? A At Fort Smith; sometimes in the Nation.
- Q Did you ever get acquainted with a single Cherokee in all that section down there? A Yes, sir.
- Q Who? A Sermany demens it would take me from now until I don't know when to tell you.
- Q Tell me one of the old time citizens? A No use to tell you, because you don't know anything about them, old man Downing.
- Q He's dead; tell me a live one. A If he is, it the last two----- Charley Hicks, Brown, and Nels Hicks; I know Charley Speers' widow.
- Q Down in Sequoyah District? A Yes, sir.
- Q He isn't alive either; do you know a live one? A Charley Speers' wife is alive. Jehn Harris has got her for a wife right there at Tahlequah. I did know that man Campbell; I wasn't acquainted with his sons.
- Q Where did you see Jim Alberty first after the war? A Up here on Grand River.
- Q Do you know the year he was sold out of here? A No, sir.
- Q You don't know about his being sold out? A No, sir never did know it. My mother didn't know it.
- Q Where did you see George Vann the first time? A Which George?

- Q Your witness George? A At Gibson.
- Q How much did you give him to testify for you? A Not a nickel.
- Q How much did you give Sheep? A Not a cent.
- Q How much did you promise him? A Not a cent, nothing.
- Q Did you ever make a crop in the bottom opposite Fort Smith?
- A I worked in one, I never made one for myself---
- Q Did you ever make one? A I have, I ----
- Q On whose place? A On the old Dr. Bell place.
- Q What was the first year? A I have worked, the first work, I don't know what year---after the war and after the surrender.
- Q Was it 20 years ago? A The war didn't end 20 years ago.

0-0-0-0-0-0-0-0-0

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and complete transcript of his stenographic notes thereof.

H. M. Vance

Subscribed and sworn to before me this 4th day of March, 1904.

Edmond Merrick
Notary Public.

Case No.

Cherokee Freedmen D-811

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Daniel Alberty, Joseph Alberty, Hannah Alberty, Willie Alberty, and Ellis Alberty as Cherokee Freedmen.

DECISION.

The record in this case shows that Daniel Alberty appeared before the Commission at Nowata, Indian Territory, on June 22, 1901, and made application for the enrollment of himself and his minor children, Joseph, Hannah, Willie and Ellis Alberty, as Cherokee Freedmen. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 2, 1904.

The evidence herein shows that the principal applicant, Daniel Alberty, was the slave of a Cherokee citizen at the commencement of the war of the rebellion, and was taken out of the Cherokee Nation during said rebellion, but did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, et al., vs. the Cherokee Nation et al., for the return of freedmen to the Cherokee Nation. It appears that the said Daniel Alberty was in the Cherokee Nation in the fall of 1866, and again in January, 1867, but that neither visit was made with the intention of establishing a residence in the said Nation.

The evidence further shows that the minor applicants herein are the children of Daniel Alberty, were born since 1866, and possess no rights to enrollment other than as descendants of the said Daniel Alberty.

None of the applicants herein can be identified on the authenticated Cherokee Tribal Roll of 1880.

It is, therefore, the opinion of this Commission that the application for the enrollment of Daniel Alberty, Joseph Alberty, Hannah Alberty, Willie Alberty and Ellis Alberty as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the act of Congress approved June 20, 1898, (30 Stats., 498), and it is so ordered.

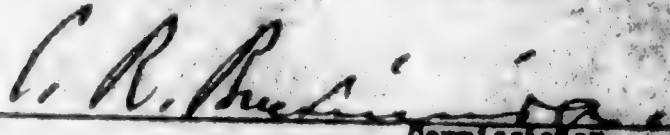
COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.

Muskegee, Indian Territory,
this JUN 23 1905

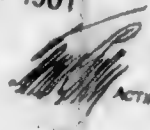
RECEIVED
JUN 23 1905
COMMISSION TO THE FIVE CIVILIZED TRIBES

8

30811

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 21 1901


ACTING CHAIRMAN

COMMISSIONERS:

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

7846 Dec 27 Sept 31, 1901

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Daniel Alberty et al for enrollment as
Freedmen of the Cherokee Nation.

No. 78811

A. B. Bledsoe
Capt. Garaford

2
D. 811

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on

by delivering a true copy thereof on the
..... day of A. D. 190...

Given under my hand this
day of A. D. 190...

Marshal for the Cherokee Nation.

I, the undersigned ^{agent} ~~agent~~ for the
within named applicant, hereby accept
service of the within notice on this the

day of SEP 21 1901, 190...

[Signature]
Applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a
true copy of the within notice to

on the day of A. D. 190...

Subscribed and sworn to before me
this

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 21 1901

[Signature]
ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Daniel Alberry
for enrollment as Cherokee citizens.
Case No. D. 811

To Daniel Alberry & J. P. Gledhill

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson Indian Territory, on Sept 21, 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept 21, 1901

L. B. Bell
W. W. Hastings
Attorneys for the Cherokee Nation.

Cherokee Freedmen
D 511

Muskogee, Indian Territory, January 29, 1904.

Daniel Alberty,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of your four minor children, Joseph, Hannah, Willie and Ellis Alberty, as Cherokee Freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to the date of your return to the Cherokee Nation after the close of the war of the rebellion, and as to your residence since that time.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Wednesday March 2, 1904, and introduce testimony as above requested.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D All

Muskogee, Indian Territory, January 29, 1904.

I. P. Eadsen,
Agent for Daniel Alberty, et al.,
Chouteau, Indian Territory.

Dear Sir:

In the matter of the application of Daniel Alberty, et al., for enrollment, as Cherokee Freedmen you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to the date of the return of said Daniel Alberty to the Cherokee Nation after the close of the war of the rebellion, and as to his residence since that time.

The said Daniel Alberty has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Wednesday March 2, 1904, and introduce testimony as above requested.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D 611

Muskogee, Indian Territory, January 29, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Daniel Alberty, et al., for enrollment as Cherokee Freedmen you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to the date of the return of said Daniel Alberty to the Cherokee Nation after the close of the war of the rebellion, and as to his residence since that time.

The said Daniel Alberty has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Wednesday March 2, 1904, and introduce testimony as above requested. The Cherokee Nation will be permitted to appear on that date and introduce testimony in rebuttal of that requested of the applicant.

Respectfully,

Commissioner in Charge.

md 7

COMMISSIONERS
TAMM DIXBY.
THOMAS D. NEEDLES
C. R. BRACKENRIDGE
WM. O. BEALL
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Charles F. Johnson
S-11.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

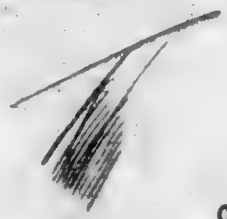
Muskogee, Indian Territory, May 10, 1906.

Samuel Alberty,
Tahlequah, Indian Territory.

Dear Sir:

In reply to your request of May 4, you are advised that the Commission has not yet rendered a decision in your application for enrollment as a Cherokee freedman. When a decision has been prepared you will be furnished with a copy.

Respectfully,



Chairman.

COPY

Muskogee, Indian Territory, March 3, 1908.

Daniel Alberty,

Tahlequah, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of February 17, 1908, asking to be advised as to the status of the application for the enrollment of yourself et al., as Cherokee freedmen.

In reply you are advised that the Commission has not yet rendered a decision in this case. When a decision has been rendered you will be furnished with a copy.

Respectfully,

(SIGNED)

C. R. Breckinridge.
Commissioner in Charge

COPY

Cherokee Freedmen

D-811.

Washago, Indian Territory, June 8, 1906.

Daniel Alberty,

Tahlequah, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of June 3, 1906, asking that the name of J. D. Cox be entered upon the Commission's records as your attorney in the matter of the application for your enrollment as a Cherokee freedman.

In reply you are advised that the Commission's records have been corrected accordingly.

Respectfully,

(SIGNED) *T. B. Needles*
Commissioner in Charge.

COPY.

Cherokee Freedmen
D-811.

Muskogee, Indian Territory, June 23, 1906.

Daniel Alberty,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 23, 1906, rejecting the application for the enrollment of yourself, et al., as Cherokee freedmen. There has heretofore been furnished your former agent, I. P. Bledsoe, Choteau, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to your present attorney, J. D. Cox, Tahlequah, Indian Territory, a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

RECEIVED
Jams Fixby

Chairman.

Incl. 3-79.
Register

COPY.

Cherokee Freedmen
D-811.

Muskogee, Indian Territory, June 23, 1903.

J. D. Cox,

Attorney for Daniel Alberty, et al.,

Tablequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 23, 1903, rejecting the application for the enrollment of Daniel Alberty, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED.

James Bixby

Chairman.

Incl. 8-80
Register.

COPY.

Cherokee Freedmen
D-811.

Muskogee, Indian Territory, June 23, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 23, 1906, rejecting the application for the enrollment of Daniel Alberty, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED: *James Sixby*
Chairman.

Incl. B-81.

COPY.

Cherokee Freedmen
D-811.

Muskogee, Indian Territory, June 23, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Daniel Alberty, et al., as Cherokee freedmen, including the Commission's decision, dated June 23, 1908, rejecting said application.

Respectfully,

(SIGNED) *Tams Bixby*
Chairman.

Incl. 6-82.

Through the

Commissioner of Indian Affairs.

Cherokee Freedmen

D-811.

COPY.

Muskogee, Indian Territory, July 26, 1905.

J. D. Cox,

Attorney for Daniel Alberty, et al.,

Tahlequah, Indian Territory.

Dear Sir:

This office is in receipt of your letter of July 10, transmitting, on behalf of applicants, a Bill of Exception to Findings of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment, as Cherokee freedmen, of Daniel Alberty, et al. The same has been this day forwarded to the Secretary of the Interior for his consideration.

Respectfully,

(SIGNED) *Tams Bixby.*
Commissioner.

Cherokee Freedmen

COPY.

D-811.

Muskogee, Indian Territory, July 26, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith "Bill of Exceptions", on behalf of applicants, to findings of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment, as Cherokee freedmen, of Daniel Alberty, et al., (Freedmen D-811). The record of proceedings had in the matter of the application for the enrollment of Daniel Alberty, et al., as Cherokee freedmen, including the decision of the Commission to the Five Civilized Tribes, dated June 23, 1908, rejecting said application, was forwarded to the Department on June 23, 1908.

Respectfully,

SIGNED:

Tams Bixby
Commissioner.

Incl. 8-3.

Through the

Commissioner of Indian Affairs.

Land.

49294-1905.
84149-1905.
59911-1905.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

August 7, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 23, 1905, transmitting the record of the application for enrollment as Cherokee Freedmen by Daniel Alberty for himself and his minor children, Joseph, Hannah, Willie and Ellis Alberty.

June 23, 1905, the Commission decided adversely to the applicants.

The record shows that Daniel Alberty was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that he was taken out of the Cherokee Nation during the war, and did not return and establish a residence therein on or before February 11, 1867.

It is further shown that the minor applicants are the children of Daniel Alberty, were born since 1866 and possess no rights to enrollment other than as his descendants. None of the applicants is identified on the 1880 authenticated Cherokee roll.

There is also enclosed communication from J. D. Cox of

Tablequah, Indian Territory, dated July 10, 1905, transmitting a copy of a bill of exceptions to the findings of the Commission, which has received due consideration. Also a letter from the Commissioner to the Five Civilized Tribes, dated July 26, 1905, transmitting duplicate copy of the above mentioned bill of exceptions.

In view of the record the approval of the Commission's decision adverse to all of the applicants is recommended.

Very respectfully,

G. F. Larrabee,
Acting Commissioner.

H.M.M.
V.

D.C.13496

DEPARTMENT OF THE INTERIOR, ILLB

WASHINGTON.

I.P.D9932-1905.

April 9, 1906.

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

June 23, 1905, the Commission to the Five Civilized Tribes transmitted the record of the application of Daniel Alberty for the enrollment of himself and four children, Joseph, Hannah, Willie, and Ellis Alberty, as Cherokee freedmen, including its decision dated June 23, 1905, denying said application.

July 26, 1905, you transmitted what is termed a bill of exceptions, on behalf of applicants, to the findings of the Commission to the Five Civilized Tribes in the matter of the denial of the application of Daniel Alberty et al. for enrollment as Cherokee freedmen, which will be treated as a motion for review.

August 7, 1905, the Acting Commissioner of Indian Affairs reporting thereon, recommended that the decision of the Commission to the Five Civilized Tribes, denying said application, be affirmed. A copy of his letter is inclosed.

The Department has carefully considered the record in the case and the argument of counsel for applicants upon the so-called bill of exceptions, herein treated as a motion for review,

and finds no reason to disturb the decision of the Commission.

Said motion for review is hereby denied and the decision of the Commission dated June 23, 1908, denying the application of Daniel Alberty for the enrollment of himself and his four children, namely, Joseph, Hannah, Willie, and Ellis Alberty, as Cherokee freedmen, is hereby affirmed.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

1 inclosure.

COPY.

Muskogee, Indian Territory, April 19, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, rendered June 23, 1905, denying the application for the enrollment of Daniel Alberty and his minor children, Joseph, Hannah, Willie and Ellis Alberty, was approved by the Secretary of the Interior on April 9, 1906.

For your information a copy of Departmental decision referred to is herewith enclosed.

Very respectfully,

SIGNED

Wm. O. Beall
Acting Commissioner.

Encl.
MMP-919.

C.F.D.811.

COPY.

Muskogee, Indian Territory, April 19, 1906.

Daniel Alberty,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, rendered June 28, 1906, denying the application for the enrollment of yourself and children, Joseph, Hannah, Willie and Ellis Alberty, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 9, 1906.

For your information a copy of Departmental decision referred to is herewith enclosed.

Very respectfully,

SIGNED:

Wm. O. Seall
Acting Commissioner.

Encl.
NMP-719.

Cherokee Freedmen

COPY.

D-811.

Muskogee, Indian Territory, April 19, 1906.

J. D. Cox,

Attorney for Daniel Alberty, et al.,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that this office is in receipt of Departmental letter of April 9, 1906, in which the bill of exceptions filed by you on behalf of applicants in the Cherokee freedman enrollment case of Daniel Alberty, et al., being treated as a motion for review, is denied, and the decision of the Commission to the Five Civilized Tribes, dated June 23, 1905, denying the application for the enrollment of Daniel Alberty and his minor children, Joseph, Hannah, Willie and Ellis, as Cherokee freedmen, is affirmed.

For your information a copy of Departmental decision referred to is herewith inclosed.

Respectfully,

(SIGNED)

Wm. O. Ball
Acting Commissioner.

Encl. B. 27.
LMB

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,

of Joseph Alberty, born on the 21st day of May, 1881.

Name of Father: Daniel Alberty, a citizen of the Cherokee Nation.

Name of Mother: Martha Alberty, a citizen of the Cherokee Nation.

Post-office, Tahlequah I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

INDIAN TERRITORY,

Central District.

I, Martha Alberty, on oath state that I am 45

years of age and a citizen, by United States Nation;

that I am the lawful wife of Daniel Alberty, who is a citizen, by

Adoption, of the Cherokee Nation, that a male child was

born to me on the 21st day of May, 1881; that said child has been

named Joseph Alberty, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

Louis Scott
L. A. Sleeper.

Martha ^{her} Alberty
mark

Subscribed and sworn to before me this 28th day of October, 1901.

J. A. Sleeper.

NOTARY PUBLIC.

AFFIDAVIT

UNITED STATES OF AMERICA,
INDIAN TERRITORY,

Central

I, _____
attended on Mrs. _____

on the _____ day of _____

said date a _____

named Joseph ^(male or female)

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to

We the undersigned do testify to our personal knowledge that Jimmie Reynolds did act as midwife upon Martha Alberty in the birth of Joseph Alberty, now living; and we further testify that, to our personal knowledge, said Jimmie Reynolds is now deceased.

Signed: Amanda ^{her} Riley.
Joanna ^{her} Riley.
mark

Witnesses } Louis Scott
L. A. Sleeper.

Handwritten notes in left margin:
This is Charles...
Crossed out...

Handwritten notes at top:
Cherokee
May 21 1881

that I am the lawful wife of Daniel Alberty, who is a citizen, by
Adoption of the Cherokee Nation, that a ^{Male} child was
(male or female)
born to me on the 21st day of May 1881; that said child has been
named Joseph Alberty, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses) { Lewis Scott
L. A. Sleeper.

Martha ^{her} x Alberty
mark

Subscribed and sworn to before me this 28th day of October 1901.

J. H. Sleeper. NOTARY PUBLIC.

AFFIDAVIT

UNITED STATES OF AMERICA
INDIAN TERRITORY,
Central

I, _____
attended on Mrs. _____
on the _____ day of _____
said date a _____
named Joseph (male or female)

We the undersigned do testify to our personal knowledge that Jimmie Reonalds did act as midwife upon Martha Alberty in the birth of Joseph Alberty, now living; and we further testify that, to our personal knowledge, said Jimmie Reonalds is now deceased.

WITNESSES TO MARK:

(Must be Two Witnesses) { _____

Signed: { Amanda ^{her} x Riley.
mark
Joanna ^{her} Riley.
mark

Subscribed and sworn to

Witnesses { Lewis Scott
L. A. Sleeper.

Subscribed & sworn to before me this the 28th day of October, 1901.

J. H. Sleeper
Notary Public.

At this Cherokee to be enrolled as a citizen of the Cherokee Nation

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,

of Joseph Alberty, born on the 21st day of May, 1881.

Name of Father: Daniel Alberty, a citizen of the Cherokee Nation.

Name of Mother: Martha

UNITED STATES OF INDIAN TERRITORY.

Central
I, Martha

years of age and a citizen, by

that I am the lawful wife of

Adoption, of the

born to me on the 21st

named Joseph

WITNESSES TO MARK

(Must be Two Witnesses) { Lewis
L. A.

Subscribed and sworn

AFFIDAVIT

UNITED STATES OF INDIAN TERRITORY.
Central District.

I, _____, on oath state that I attended on Mrs. _____, wife of _____,

on the _____ day of _____, 1881; that there was born to her on

said date a _____ child; that said child is now living and is said to have been

named Joseph Alberty

WITNESSES TO MARK:

(Must be Two Witnesses) { _____

Subscribed and sworn to before me this _____ day of _____ 1881.

NOTARY PUBLIC.

CHEROKEE FREEDMAN. 10811

M

IN RE

Application for Enrollment of

INFANT CHILD

Hannah Alberty

as a citizen of

CHEROKEE, Nation.

Approved, NOV 13 1901 190

[Signature]
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
NOV 13 1901

[Signature]
ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Hannah Alberty, born on the 8th day of September, 1884
(Here insert name of child)
Name of Father: Daniel Alberty, a citizen of the Cherokee Nation.
Name of Mother: Martha Alberty, a citizen of the U.S. Nation.
Post-office, Sahleguah, Ind.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
Central INDIAN TERRITORY, District.

I, Martha Alberty, on oath state that I am 45
years of age and a citizen, ~~of~~ of the United States Nation,
that I am the lawful wife of Daniel Alberty, who is a citizen, by
Adoption, of the Cherokee Nation, that a female child was
(male or female)
born to me on the 8th day of September, 1884; that said child has been
named Hannah Alberty, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

Lewis Scott
L. A. Sleeper.

Martha ^{her} Alberty,
mark

Subscribed and sworn to before me this 28th day of October, 1901.

J. H. Sleeper

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
Central INDIAN TERRITORY, District.

I, Joanna Riley, a midwife, on oath state that I
attended on Mrs. Martha Alberty, wife of Daniel Alberty,
on the 8th day of September, 1884; that there was born to her on
said date a female child; that said child is now living and is said to have been
(male or female)
named Hannah Alberty.

WITNESSES TO MARK:

(Must be Two Witnesses)

Lewis Scott
L. A. Sleeper.

Joanna ^{her} Riley
mark

Subscribed and sworn to before me this 28th day of October, 1901.

J. H. Sleeper

NOTARY PUBLIC.

CHEROKEE FREEDMAN. D811

IN RE

Application for Enrollment of

INFANT CHILD

Willie Liberty

as a citizen of

CHEROKEE,

Nation.

Approved,

190

Commissioner.

News made on inside
re death of Willie Liberty
died Aug 31, 1901. died after
enrollment.

But by since then she died on the 31st day of August 1901

BIRTH RECORD

DEPARTMENT OF THE INTERIOR, COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation, of Willie Liberty, born on the December, 1889. Name of Father: Daniel Liberty, a citizen of the Cherokee Nation. Name of Mother: Martha Liberty, a citizen of the U.S. Nation. Post-office, Tahlequah, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, District.

I, Martha Liberty, on oath state that I am 45 years of age and a citizen, by of the Nation; that I am the lawful wife of, who is a citizen, by of the Nation, that a child was born to me on the day of 1; that said child has been named Willie Liberty, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this day of 190.

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, District.

I, on oath state that I attended on Mrs. wife of on the day of 1; that there was born to her on said date a child; that said child is now living and is said to have been named Willie Liberty.

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this day of 190.

NOTARY PUBLIC.

Handwritten note in left margin: This child was born to the mother of the child named Liberty.

CHEROKEE FREEDMAN. 20811

[Handwritten mark]

IN RE

Application for Enrollment of

INFANT CHILD

Ellie Alberty

as a citizen of

CHEROKEE Nation.

Approved NOV 13 1901 1901

[Signature]
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
NOV 13 1901

[Signature]
ACTING CHAIRMAN

2

11-13-01

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Ellis Liberty, born on the 24th day of February, 1889.
(Here insert name of child)
Name of Father: Daniel Liberty, a citizen of the Cherokee Nation.
Name of Mother: Martha Liberty, a citizen of the M. I. Nation.
Post-office, Tahlequah I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, Martha Liberty, on oath state that I am 45
years of age and a citizen, by United States Nation,
that I am the lawful wife of Daniel Liberty, who is a citizen, by
Adoption, of the Cherokee Nation, that a male child was
(male or female)
born to me on the 24th day of February, 1889; that said child has been
named Ellis Liberty, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses) { Luis Scott
L. A. Sleeper.

Martha ^{her} Liberty
mark

Subscribed and sworn to before me this 28th day of October, 1901.

J. H. Sleeper
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Central District.

I, Amanda Riley, a midwife, on oath state that I
attended on Mrs. Martha Liberty, wife of Daniel Liberty,
on the 24th day of February, 1889; that there was born to her on
said date a male child; that said child is now living and is said to have been
named Ellis Liberty.

WITNESSES TO MARK:

(Must be Two Witnesses) { Luis Scott
L. A. Sleeper.

Amanda ^{her} Riley
mark

Subscribed and sworn to before me this 28th day of October, 1901.

#710-84

IN RE
THE DEATH OF

Willie Alberty
a citizen of the

Cherokee Nation.

Approved FEB 17 1905 190

[Signature]
Commissioner

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FINE CIVILIZED TRIBES.
FILED
FEB 17 1905

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Willie Alberty
(Here insert name of deceased.)
a citizen of the Cherokee Nation, who formerly resided at or near
Tahlequah Ind. Ter., and died on the 18th or 19th day of
September, 1902
(Here insert name of postoffice.)

AFFIDAVIT OF RELATIVE

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
Northern DISTRICT. }
I, Daniel Alberty, on oath state that I am 55
years of age and a citizen, by adoption, of the Cherokee Nation;
that my postoffice address is Tahlequah Ind. Ter.; that I am
the father of Willie Alberty
(State relationship to: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by adoption, of the Cherokee Nation;
and that said Willie Alberty died on the 18th or 19th day of
September, 1902
(Here insert name of deceased.)

WITNESSES TO MARK :
Daniel Alberty
(Must be Two Witnesses.) }
Blomys
Reecl Alberty
Subscribed and sworn to before me this 16 day of February, 1905
Samuel Foreman
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, }
DISTRICT. }
I, _____, on oath state that I am _____
years of age, and a citizen by _____, of the _____ Nation;
that my postoffice address is _____ Ind. Ter.;
(Here insert name of postoffice.)
that I was personally acquainted with _____
(Here insert name of deceased.)
who was a citizen, by _____, of the _____ Nation;
and that said _____ died on the _____ day of _____
(Here insert name of deceased.)

WITNESSES TO MARK :
(Must be Two Witnesses.) }
Subscribed and sworn to before me this _____ day of _____, 190_____
Notary Public.

FD
811

IN RE
THE DEATH OF

Joseph Alberty
citizen of the

Cherokee

Nation.

Approved

FEB 17 1905

190

L. A. ...
Commissioner.

COMMISSION OF THE FIVE CIVILIZED TRIBES
RECORDS OF THE COMMISSION

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED

FEB 17 1905

RECORDS OF THE COMMISSION

RECORDS OF THE COMMISSION

Faint, mostly illegible text on the right page, possibly containing case details or a transcript.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Joseph Alberty
(Here insert name of deceased.)
a citizen of the Cherokee Nation, who formerly resided at or near
Tahlequah, Ind. Ter., and died on the 10th day of
February, 1905
(Here insert name of postoffice.)

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.
I, Daniel Alberty, on oath state that I am 55
years of age and a citizen, by adoption, of the Cherokee Nation;
that my postoffice address is Tahlequah, Ind. Ter.; that I am
the father of Joseph Alberty
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by adoption, of the Cherokee Nation;
and that said Joseph Alberty died on the 10th day of
February, 1905.

WITNESSES TO MARK:
(Must be Two Witnesses.) Blommyrs
Cecil Osberty
Subscribed and sworn to before me this 16 day of February, 1905.
Daniel F. Ferman
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
DISTRICT.
I, _____, on oath state that I am _____
years of age, and a citizen by _____ of the _____ Nation;
that my postoffice address is _____, Ind. Ter.;
that I was personally acquainted with _____
who was a citizen, by _____ of the _____ Nation;
and that said _____ died on the _____ day of _____

WITNESSES TO MARK:
(Must be Two Witnesses.) _____
Subscribed and sworn to before me this _____ day of _____, 190____.
Notary Public.

13

30811

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUN 22 1901



ACTING CHAIRMAN

4

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 22 1901

Post Office Tahlequah

District Gah

1. Name Daniel Alberty Age 52
 Owner's name Moses Alberty Citizenship Cherokee
 Year Page No. District

Parents:

Father Citizenship
 Mother Citizenship

2. Name of wife

Owner's name
 Year Page No. District

Do not file

Parents:

Father Citizenship
 Mother Citizenship

Names of Children

No.	Name	Year	Page	No.	Dist.	
2	Joseph Alberty					20
3	Hannah					16
4	Mattie					13
5	Ellis					11
7.		Year	Page	No.	Dist.	
8.		Year	Page	No.	Dist.	
9.		Year	Page	No.	Dist.	
10.		Year	Page	No.	Dist.	
11.		Year	Page	No.	Dist.	
12.		Year	Page	No.	Dist.	

Application made by

No. 1

Stenographer

W. S. Younker

2, 3, 4 and 5 - Birth affidavits required
 Cert. of marriage to be supplied

Represented by J. P. Bledsoe

1901
 JUN 20

J

F. D. B.

RECEIVED
MAR 23 1902

[Signature]
Acting Chairman

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Daniel Alberty,

Tahlequah, I. T.

Cherokee-F-D-811.

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

1902

MUSKOGEE
JUN 14 12
12:30 PM
1902

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



Cherokee

RECEIVED
MAY 11 1904

RECEIVED
MAY 11 1904

Samuel Alberty,

Tahlequah, Indian Territory.

Cher. Fr. R. 767

Trans. from Fr. D. 159

Cher. Fr. R. 767

Dear Sir:

Secretary of the Interior,

In the letter of the Commissioner for the Cherokee Freedmen, dated
S. date, at Washington, D.C., concerning the application
of:

Horace S. Norman, et al., Cherokee Freedmen, et al.
Washington, D.C., June 27, 1904.

ACTION TO REOPEN.

On the 27th instant, Horace S. Norman, et al., et al., have been
advised by the Commissioner of the Interior, and respectfully requested
the Secretary of the Interior, that his said decision of Oct.
17th, 1904, affirming the decision of the Commissioner to the Five
Civilized Tribes, dated April 5, 1904, be reconsidered and set
aside, and that said decision of the honorable Commission be not
approved and that the cases of all the said citizens be handled
as Cherokee Freedmen.

Applicants for the Cherokee Freedmen, dated June 27, 1904,
received the following communication from the Commissioner of the
Interior, dated June 27, 1904, at Washington, D.C., 1904,
and the following communication from the Secretary of the Interior,
dated June 27, 1904, at Washington, D.C., 1904.

There is hereby referred to the attention of the Secretary of the
Commission to the Five Civilized Tribes, dated June 27, 1904,
respecting, among others, your said application for the enrollment of
yourself and your three children, namely, Mary, Susan and Charles
Norman, as Cherokee Freedmen, their attorney, A. C. M. [unclear],
Indian Territory, and the fact that you furnished with a copy of the
record of the proceedings and that you furnished a copy of the
Commission's decision.

The decision with the record of the proceedings and the
case, has this day been transmitted to the Secretary of the Interior
for his review and decision. The action of the Secretary will be
made known to you as soon as the Commission is informed of the same.

Respectfully,
Commissioner of Indian Affairs.

Upon June 27, 1904, applicants received the following letter:

Honorable S. Norman,
Fort Gibson, Indian Territory,
Dear Sir:

In the letter of your application for the enrollment of
yourself, et al., as Cherokee Freedmen, you are advised that the
Commission is in receipt of Departmental letter of June 27, 1904,
a copy of Commissioner of Indian Affairs' letter of May 27, 1904.

XXXXXX

XXXXXX

XXXXXX

Respectfully,
Your truly,
J. A. [Name]

This Departmental letter is as follows:

XXXXXX

Department of the Interior,
Office of [Title],
Washington, D. C., [Date]

The Honorable,
The Secretary of the Interior,
Sir:

XXXXXX

The decision of the Commission does not appear to be a
result of the evidence. The evidence shows that the applicant
XXXXXX was the slave of a Cherokee citizen at the
XXXXXX of the war of the rebellion and that the other claimants
are the descendants of a slave of a Cherokee citizen. That all of
the claimants of their slave ancestors were living in the Cherokee
Nation on February 11, 1867, and have never established a residence
outside of that Nation, but have continued to reside therein all
their lives.

The witness, [Name], swears that the said [Name] was
XXXXXX and the witness, [Name], swears that [Name] was
the slave of Judge [Name], Cherokee citizen.

The witness [Name] swears that [Name] was one of
the oldest slaves of Judge [Name] and that [Name] never
slave named [Name] and [Name] of the witness [Name] but
[Name] never had a slave named [Name] and [Name] never had a
slave named [Name] Brown. The testimony of the witness
[Name] is the only testimony that tends to show that the claimants are
not the descendants of the slave of a Cherokee citizen as testified
to by the claimant [Name] [Name] and the witness [Name] and [Name].
In fact there is no testimony tending to show that these claimants
are not descendants of the slave of a Cherokee citizen but, it is
shown by at least two witnesses that they are.

In view of the foregoing testimony it is recommended
that the action of the Commission be not approved and that the name
of all of the claimants be enrolled as Cherokee Freedmen.

Very respectfully,
A. J. [Name],

Assistant Secretary.

C. S. 19471-1904.
I. P. D. 4282-1904.
L. R. S.

Department of the Interior,
Washington, June 8, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

March 26, 1904, you transmitted the record in the matter of the application of Horace S. Norman (F. D. 159-160), for the enrollment of himself and his three minor children, Harry, Cairo and Charles Norman, and of Irene Cannon for the enrollment of herself and her minor nephew, Henry Norman, as Cherokee Freedmen, including your decision of March 5, 1904, rejecting the applicants.

Reporting May 27, 1904, the Acting Commissioner of Indian Affairs, recommends that your decision be reversed, and that the names of all the applicants be enrolled as Cherokee Freedmen. A copy of his letter is inclosed.

You will notify the applicants and the attorney for the Cherokee Nation of the recommendation of the Acting Commissioner, and allow said attorney thirty days within which to file any argument he may desire, and the applicants ten days within which to answer same.

Respectfully,
(signed) W. A. Hitchcock,
Secretary.

Applicants further state that they were not furnished with a copy of the argument of the attorney for the Cherokee Nation, if such argument was filed; that relying on the recommendation of the Acting Commissioner of Indian Affairs, and the letter of the Honorable Secretary of the Interior and the refusal of the attorney for the Cherokee Nation to file argument or resist the application of the claimants, further, the said applicants failed to file an argument in their own behalf or to ask permission to introduce additional testimony in support of the fact that the mother of applicants, Lucy Brown, was a slave of a Cherokee citizen.

In view of the fact that the testimony of the witness Seebolt was the only evidence against applicants and that said testimony was only negative- to the effect that witness was never acquainted with a slave of Judge James Brown by the name of Lucy Brown or Lucy Norman, but there might have been such a slave, we think that such testimony should not be taken as conclusive, against all the positive testimony of the witnesses for the applicants.

The fact that applicants were descendants of a slave of a Cherokee citizen does not seem to have been seriously controverted before the Commission, as the testimony to that point is slight.

It appears in the testimony of John Reynolds that the
Commissioner was only the testimony was sufficiently advised as to the
fact that applicants were descendants of a slave of a Cherokee
citizen, for when the question was asked by the attorney for applicants:
Q. "I would like to ask the question, while I think of it, I don't
know whether he knows, if you know to whom this Horace S. Norman
belonged, whether he was a slave."

The Commissioner interrupted with the remark: "I thought that has
been proved two or three times, well ask him the question."

And the question was asked: Q. "Do you know whether or not Horace
Norman was a slave before the war?" A. Well it was so said --"

In view of the fact that the applicants were lead, by the
communications from the Commission to the Five Civilized Tribes and
the Departmental letters inclosed therewith, to believe that it was
unnecessary to offer anything further in support of their said
application unless the attorney for the Cherokee nation should file
an argument in accordance with the Commission's instruction, and
furnish applicants with a copy of same, and in view of the fact that
no such argument was filed or if filed applicants were not furnished
with a copy thereof.

Wherefore, applicants respectfully pray that the Honorable
Secretary of the Interior re-open said case and allow applicants
to file an argument in support of their said application.

Respectfully submitted,

L. P. Yogle
Attorney for applicants.

Dec 5, 1904.

*Receipt of a copy of this motion is
hereby acknowledged.*

*Bell, Hastings & Co accept
By J. C. Starr,
Attorneys for the Cherokee Nation*

Wright
JCS

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES†

Cherokee Enrollment Division.

F. D. 159.

In the matter of the application for the enrollment of Horace S. Norman et al as Cherokee Freedmen. (I. T. D. 4382-1904.)

Argument on Part of the Cherokee Nation.

The Honorable Commissioner of Indian Affairs reviewing the decision of the Commission in the above case on May 27th 1904 (Land 20535-1904) is inclined to the opinion that the applicants should be enrolled.

He reviews the testimony which was on behalf of applicant George W. Vann found on F. D. Card 115 and Rachel Baker found on F. R 57. Both of these applicants have been rejected by the Commission and neither was clearly shown to have been owned by citizens of the Cherokee Nation prior to the war. George W. Vann is shown by the record in his own case to not have come to the Cherokee Nation until 1877 whereas Rachel Baker was not even treated seriously she being rejected upon her own showing before the Commission and placed upon a Rejected Card in the field. The representative of the Cherokee Nation appreciating that practically no testimony had been introduced on behalf of the applicant felt that it was not incumbent upon the Cherokee Nation to go to very great expense to the Cherokee Nation in searching for witnesses to prove a negative.. Neither Vann nor the witness Rachel Baker were themselves in the Cherokee Nation prior to the war and they are frauds and if they be frauds then the applicant Horace S. Norman is a fraud or he would not permit either of them to testify for him. He does not bring a single Cherokee Witness or a Cherokee slave to testify for him. The truth is he was never a slave of a Cherokee Citizen prior to the war. His mother did not belong to Judge Brown and he cannot prove it except by fraudulent witnesses and the Representative of the Cherokee Nation appreciating the fact that the applicant did not have a reputable witness to testify in his behalf thought it unnecessary

to introduce any more witnesses in the case but the witness Seabolt who is a reputable citizen of the Cherokee Nation, always lived in the vicinity of Judge Brown and is a person of the very highest standing and reputation. We submit that an examination of the cases herein referred to should be made; they being George W. Vann Cherokee Freedman D 115 and Rachel Baker Cherokee Rejected 57 when we think the Department will have no hesitancy in affirming the decision of the Commission.

The Commission is hereupon the ground and this man George W Vann has for the past number of years been making a regular business of attempting to get fraudulent cases of Freedmen upon the Cherokee Rolls.

This witness Vann is the same person referred to as George Washington Vann in our General Freedman Brief on page 108 and the other witness Rachel Baker is the one referred to in discussing this man Vann on the same page of said General Brief. A short history is there given of this witness ~~business~~ which was found true by the Commission to the Five Civilized Tribes the applicant rejected. On page 88 of our General Freedman brief we show where this same witness testified in nineteen different Freedmen doubtful cases and Freedmen Rejected cases. Taking into consideration the Reputation of the witnesses used on part of applicants we submit that they were not slaves of citizens of the Cherokee Nation at the Commencement of the war; that they committed perjury in this case and are not worthy of belief and that their testimony should be rejected and if rejected the applicants were rightfully denied enrollment as freedmen citizens of the Cherokee Nation and the decision of the Commission should be affirmed.

Respectfully,

W W Hastings
 Attorney for the Cherokee Nation.

SUPPLEMENTAL TESTIMONY

CHEROKEE FREEDMAN

DOUBTFUL, No. 150.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Fort Gibson, I. T. April, 24th 1901.

In the matter of the application of Horace S. Norman et al.

ELIZA ROBINSON being called and sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A. Eliza Robinson.
Q How old are you? A. According to what they tell me I am 57 or '8 years old, somewhere along there.
Q What is your post office address? A. Benge.
Q In what district do you live? A. I dont know I live in between the river and the hills.
Q Were you a witness in the application of Horace S. Norman? A. Yes sir
Q Do you want to correct a statement that you made in that application?
A. Yes sir.
Q What is the correction that you want to make? A. I want to make it right.
Q What do you want to make right? A. What I said this morning about being born a Freedom.
Q Well what is it that you want to say? A. I made a mistake in the Freedom. I said that I was born a slave.
Q What did you want to say? A. That I was born a Freedom.
Q That insted of being born a slove you are born a Freedom? A. Yes sir I wants to make it right, I said it wrong the other time.
Q What was the satement that you made: that you was born a slave or that you was born a Freedom? A. That I was born of slave parents.
Q Is that true, were you born of alave parents? A. No sir.
Q You was born of Free parents? A. Yes sir.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above cause and that the ~~transcript~~ above is a full and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 24th of April, 1901 at Fort Gibson, I. T.



Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., APRIL 24th, 1902.

In the matter of the application of Horace S. Norman for the enrollment of himself and three children as Cherokee Freedmen; said Norman being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Horace S. Norman.
Q What is your age, Mr. Norman? A I guess pretty near 50, 45 anyhow.
Q What is your post office address? A Fort Gibson new.
Q What district do you live in? A I live here in Illinois District, I guess.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Did you ever apply to be enrolled by any other Nation or tribe? A No, sir.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A No, sir.
Q Is your name on the roll of 1880? A No, sir.
Q On the roll of 1896? A I don't think it is.
Q Did you draw what is known as the strip money? A No, sir.
Q Where were you born? A Here in the Cherokee Nation.
Q Were you a slave? A Yes, sir; I was small then.
Q What was your owner's name? A Brown, Jim Brown.
Q Was he a Cherokee citizen? A Yes, sir.
Q By blood? A Yes, sir.
Q Where were you at the beginning of the war between the United States and the Confederacy? A We was down here somewhere not far from Webbers Falls, that is what they say, I could not recollect.
Q Where were you at the close of the war? A Down there.
Q Down where? A Webbers Falls.
Q Were you ever out of the Cherokee Nation? A I have been out.
Q At that time? A No, sir; I was too small.
Q You never was taken out of the Cherokee Nation? A No, sir, never was taken out.
Q Have you lived in the Cherokee Nation ever since? A Yes, sir.
Q Are you married? A I have been, but I am not now.
Q What is your father's name? A My father was named Jack Norman.
Q Is he living? A No, sir, he has been dead a long time.
Q What was your mother's name? A My mother was named Lucy Brown.
Q Is she living? A No, sir.
Q You think you was born in the Cherokee Nation and was never taken out before the war or during the war? A No, sir.
Q Why isn't your name on the roll of 1880? A When the roll of 1880 was made I was down sick with the Rheumatism, me and my mother both; I lyed sick nearly two years.
Q Is your mother's name on the roll of 1880? A No, sir.
Q Is your father's name on the roll of 1880? A No, sir; he was a free man.
Q Your mother was a mixed slave? A Yes, sir.
Q Did you try to draw what is known as the strip payment money? A I could not try.
Q Why? A My name never came out on the pay roll.
Q You never went up there to try to prove yourself? A No, sir.
Q Why? A I didn't have any right.

EXAMINATION CONTINUED BY JOHN F. FAULDS, Attorney for Applicant:

- Q How old you say you are? A I must be 45 or 46.
Q Were you here when the war began, you say, here in the Cherokee Nation? A Oh, yes.
Q You never went out during the war? A No, sir.
Q And you have been here ever since? A I have been out maybe some months at a time.
Q You have always made this your home? A Yes, sir, my household effects have always been here.

BY J. S. DAVENPORT, Cherokee Representative:

- Q Norman, what made you tell Col. Needles that you didn't try to prove up and get your strip money? A He asked me if I got on the rolls here.
- Q And you said you didn't? A I went before the Kerns-Clifton roll.
- Q Why didn't you tell him that a while ago? A He didn't ask me that.
- Q As a matter of fact you did try to get on it and get that strip money? A Yes, sir.
- Q And when you testified in that trial you testified that you lived in Pine Bluff, Arkansas? A No, sir.
- Q Didn't you apply for a number in your family, there were several, Charles Norman, and Leander and Carrie and Will and Irene and Artie? A They are some of them children of my brother.
- Q They are all together in the family? A Yes, sir; but no Pine Bluff was mentioned.
- Q Were you ever at Pine Bluff? A I never was in Arkansas, never was in Pine Bluff, ten hours in my life.
- Q Did you ever live in Arkansas? A No, sir; ~~and~~ stayed around Van Buren some.
- Q Where have you been living? A Here in the Cherokee Nation.
- Q Where have you been living, at what point have you been living? A We lived some of the time down there at the Johnson place.
- Q Where is the Johnson place? A It is now as the Payne place.
- Q It is just across the river from Fort Smith? A Yes, sir.
- Q Is the Postoffice Mukldrew or Fort Smith? A My post office is here at Fort Gibson.
- Q How long did you live at the Johnson place? A I don't know.
- Q Well, a year or much more? A I don't know.
- Q Where were you living at the close of the war? A Living up here near Webbers Falls.
- Q Well, at what point, at whose farm? A Was not living on any farm, living on a little old house.
- Q Were you living there near Mr. Lynch's? A I don't know.
- Q Do you know John Drew? A I don't know.
- Q Do you know Bob Hanks? A I don't know any of them old indians.
- Q Did you know Joe Ah Seales? A I don't know any of them; there was so many soldiers I didn't pay any attention to them.
- Q Did you know any other people down there at the Johnson place near Fort Smith? A I didn't notice at all.
- Q Did you know John E. Gunter? A Well, I knowed them.
- Q Well, what year did you know him? A I can't recollect what year I knowed him, John lived there at the Payne place.
- Q Who was your owner before the war? A Judge Brown.
- Q Judge Jim Brown? A Yes, sir.
- Q He lived in Sequoyah District? A He lived up at Big Lee's Creek, they tell me.
- Q Don't you know where he lived? A I said that this is what they told me.
- Q How old were you when the war broke out? A Five or six years old.
- Q Where was your mother? A She was here.
- Q What did she do? A She was around here cooking at the Mackey Salt works.
- Q That is where Daniel Reach was running? A I don't know.
- Q Where were you living when you first remember? A At Webbers Falls.
- Q What Cherokees do you remember there at that time? A I don't remember any particularly.
- Q Where were you living when you come old enough to remember of any Cherokees in the neighborhood? A I never took any particular notice at that time.

RACHEL BAKER, being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Rachel Baker.
Q How old are you, Rachel? A About 60, about 45 I reckon.
Q Aren't you older than that? A I don't know my age, exactly.
Q What is your post office? A Benga.
Q Are you a Cherokee citizen by blood? A I have been here all my life pretty near.
Q Are you a Freedman or Indian? A I am a Freedman.

BY JOHN F. FAULDS:

- Q When did you first know Herace S. Norman, after the war or before the war? A Me and his mother cooked together.
Q When was that, in relation to the war, before the war? A Before the war, and in time of the war.
Q Where was Herace S. Norman living at the time of the war? A At the salt works, close to Webbers falls.
Q And after the war, when the war closed, was he here? A Yes, sir, I guess he was, we was divided up then.
Q Well, have you seen him off and on ever since the war? A Yes, sir.
Q In the Cherokee Nation here? A Yes, sir.
Q He has lived here then? A Yes, sir.
Q Ever since the war? A Ever since the war, that I know anything about.

BY COMMISSIONER NEEDLES:

- Q Was he a born slave? A I reckon his mother was a slave.
Q Whom did she belong to? A She belonged to Norman.

BY JOHN F. FAULDS:

- Q She was the wife of Norman? A Yes, sir.
Q Who was her owner or Master? A I don't know that, she was there and we all split up.

BY J. S. DAVENPORT:

- Q Where was Norman living when you first knew him? A He was at the salt works.
Q How long was that after the war? A I don't know how long that was after the war, we all got divided up.
Q It was after the war? A Yes, sir.
Q You had never seen him up to the time you saw him at the salt works? A Yes, sir.
Q You hadn't seen him before that time? A No, sir.
Q You don't know anything about him before you saw him at the salt works? A No, sir.
Q ~~You didn't know anything about him before you saw him at the salt works? A No, sir.~~
Q And you don't know where he has been living, you don't know anything about when he was living down in Arkansas? A No, sir.
Q You are not a recognized Cherokee Freedman? A I am.
Q On all the rolls? A I ain't been on any of the rolls at all.
Q You are not recognized then are you? A I don't know. I was just ~~xxxx~~ ~~xxxx~~ about and about.
Q You have been like Norman, you have been about and about? A Just working wherever I could get work.
Q You don't know who Norman's Master was? A No, sir.

Herace S. Norman, et al.--4.

BY JOHN F. PAULDS:

Q I want to get at the truth of this, you told me that you saw him here, Herace S. Norman, when the war broke out? A He was a little boy.

Q And then you told him, Mr. Davenport, that the first time you saw him, if I understood you, it was after the war, which is right? A It was along in the time of the war and just after the war.

Q Then the first time you saw him was when? A He was cooking together.

Q Was that before the war? A Just about the time the war begin.

Q That is the first time you saw him? A Yes, sir.

Q And he was in the Cherokee Nation, at Webbers Falls?

A Yes, sir.

BY J. S. DAVENPORT:

Q Whom was he cooking for at the Webbers Falls? A The men at the Salt works.

Q Was the salt works at Webbers Falls? A We was cooking there, I don't know where it was.

Q You said a moment ago the salt works was at Webbers Falls?

A Wherever the salt works was.

Q Was the salt works in the Territory or Arkansas? A I don't know anything about that.

Q The fact of the business is you don't know anything about Norman?

A Yes, sir.

Q Was the salt works where you first met Norman and mother mother at Webbers Falls? A Yes, sir; I was cooking there.

Q Who was running the salt works at the time you were cooking there at Webbers Falls? A I don't know who was running the works.

Q Who was you cooking for? A I was cooking for this man Baker.

Q Who was she cooking for? A Both of us was seeking for Baker.

BY JOHN F. PAULDS:

Q Do you know where the Arkansas River is? A That is it down yonder.

Q How far from these salt works was the river? A I have never seen the river.

Q Haven't you been on the Arkansas river? A Yes, sir.

Q How long would it take you to walk from the salt works to the Arkansas river? A It is just according to whether you are in a hurry.

Q If you are in a hurry how long would it take you to walk to the river? A I don't know, I could not know, I never measured the time.

Q Would it take you ten years? A May take me ten for all I knew, I never paid any attention to it.

Q Could you see the Arkansas River from the salt works? A Yes, sir.

GEORGE W. VANN, being sworn and examined by Commissioner Needles, testified.

Q What is your name? A George W. Vann.

Q What is your age, Mr. Vann? A 37.

Q What is your post office? A Bengs.

BY JOHN F. PAULDS:

Q Mr. Vann, where were you living at the time the war broke out between the Confederacy and the United States? A When it first broke out I was living down there near Fort Smith, on this side.

Q In the Cherokee Nation? A Yes, sir, on the old Ben Johnson.

Herace B. Norman, et al.--6.

- Q Is his wife a Freed woman or State woman? A No, sir, his wife belonged; you say his wife?
Q Yes, was his wife a Freed woman or State woman? A State woman, of course.
Q You don't know where he married? A No, sir.

BY JOHN F. FAULDS:

- Q These Salt works you have heard Rachel Baker speak about in this case? A Where she was talking about was Mackey's salt works down here by Webbers Falls right on this side of the River.
Q Have you ever seen this Rachel Baker working at those salt works cooking there? A I worked at Drew's salt works, it was Drew's salt works where I worked; I never worked at Mackey's salt works.

ELIZA ROBINSON, being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Eliza Robinson.
Q How old are you? A The way they tell me my age is I expect I must be about 57 or 58.
Q What is your post office? A Benjamin.
Q Benge? A Yes, sir.
Q Are you a Freedman? A Yes, sir.

BY JOHN F. FAULDS:

- Q Where were you living at the time of the war, when the war began? A I don't know much about the war; of course I was a right smart sized girl; I don't know my own children's ages.
Q When did you first know Herace B. Norman? A I got acquainted with him back and forth when they stayed at Flat Rock, or some rock, I stayed with his mother when she was sick before she died.
Q Where did she die? A She died out there.
Q Was that Wilson's Rock? A Yes, sir.
Q Was that in the Cherokee Nation? A Yes, sir.
Q This is where she died? A Yes, where she stayed she died; I was not there when she died.
Q Did you see him there? A Yes, sir; I seed him there.
Q How long ago was that? A As far as I can remember it has been about ten or twelve years.
Q How ~~old~~ was he then, was he a man or boy? A No, sir, he was not a man.
Q Was he grown? A No, sir, I knew he was not grown.
Q It must have been longer than ten or twelve years ago? A Since his mother died I am talking about.
Q I want to know where his mother died? A I don't know.
Q How long after his mother died until you saw him? A I expect about six or seven months after that.
Q And you say he was not grown then? A I don't reckon he was, I don't know his age.
Q But he was at that time living in the Cherokee Nation making his home? A Yes, sir.
Q Have you known him since that time? A Yes, sir, I have seen him in the Choctaw Nation right across.
Q Have you seen him in the Cherokee Nation? A Yes, sir.

BY MR. DAVENPORT:

- Q Are you a recognized Freedman you say of the Cherokee Nation?
A Yes, sir; I guess so.
Q Have you been married? A I never was on any falls.
Q You say you worked for his mother at Wilson's rock? A I stayed with her when she was sick.
Q How long ago was that? A I think it has been about ten or twelve years.

Herace S. Herman, et al.--5.

- Q Do you know Herace S. Herman? A I do.
- Q When did you first know him? A About all his life.
- Q Did you know him when the war began? A I did, his mother was a ~~mother~~ ^{slave} of mine.
- Q Was he a slave? A Yes, sir.
- Q To whom did he belong? A Brown.
- Q Do you know Brown's first name? A Called him Judge Brown.
- Q Was he a Cherokee citizen by blood? A He was always said to be.
- Q Did you leave the Cherokee Nation during the war? A I did not.
- Q Was Herace S. Herman here from the time the war broke out until 1866? A He has been here all the time.
- Q He has been here up to the present time in the Cherokee Nation? A He has some time been in Arkansas.
- Q Did he make his home here in the Cherokee Nation? A Yes, sir; sometimes he was in the Choctaw Nation.
- Q Have you any idea how old he is? A Yes, he must be about 42 or 43 years old, would not be positive.
- Q Do you remember seeing him when the war broke out? A His mother was my cousin; he lived quite a while in the Cherokee Nation, I dectered him about three years for the Rheumatism.

BY J. S. DAVENPORT:

- Q Where was he living when the war broke out? A He was lit down or sund about Fort Smith and his mother lived part of the time at Wilson's rock.
- Q He was living about Fort Smith and she was living at Wilson's rock? A He would go back and to Fort Smith.
- Q He was coming to his mother's and back to Fort Smith? A Yes, sir.
- Q That is when the war broke out when I am speaking of? A I don't know just exactly when it was after the breaking out or not; when the war come up she was backwards and forwards, I don't know just exactly where she was living.
- Q You don't remember when you had seen her prior to the breaking out of the war, how long it had been? A I don't think she was out of my sight a year.
- Q You don't know whether the boy was living with her or staying at Fort Smith? A She worked for Campbell Laflere in the Choctaw Nation.
- Q Was that before the time the war broke out? A After the war.
- Q Do you know where the boy was when she was working for Campbell Laflere? A I don't know.
- Q Well, when the war closed was she working for Campbell Laflere in the Choctaw Nation? A No, sir; when she died she died at Wilson's rock.
- Q When did she die? A After the war closed.
- Q Where was the boy after she died? A He was with her.
- Q Now, then, where has the boy been living since that time? A He has been part of the time in the Choctaw Nation, working over in Fort Smith, and he worked at the Saw Mills, cutting logs and sending them down the river, and he worked for Mrs. Franklin some.
- Q He has been in Arkansas and every where since the war closed? A He has been at several different places.
- Q Lived at several places? A He always called the Nation and considered it his home.
- Q I ask you if he has not lived at different places? A (He responds.)
- Q Has he a family? A He has now.
- Q How many children has he? A Three.
- Q He has been married seven or eight years? A He has been married anyway that long.
- Q Where did he marry? A I don't know.

HORACE B. NORMAN, et al.--7.

- Q That Wilson Rock is on the river right there about on the line between the Choctaw Nation and the Cherokee Nation? A Yes, sir.
- Q And about ten or twelve years ago you were there at his mother's house; where was this boy living? A He was there.
- Q Don't you know that this mother has been living since the close of the war? A She has been dead, ten or twelve years, I think; I can't remember the war.
- Q Had the war closed when she died? A I think so, I know it was; but then now to tell you the correct year, I could not to save my life.
- Q Do you know whether or not the war was going on at the time you were there at the house? A I know no war was going on.
- Q You can't remember the war? A Yes, sir.
- Q You were not grown during the war? A No, sir.
- Q You were a grown woman when you were at Norman's mother's house there at Wilson's rock? A Yes, sir.
- Q Were you married at that time? A Yes, sir.
- Q And you know his mother was living since you have been a grown woman? A Yes, sir.

HORACE B. NORMAN, the Applicant, re-called, testified as follows: EXAMINATION BY COMMISSIONER NEEDLES:

- Q Do you want to enroll anybody but yourself? A Yes, sir.
- Q Who else? A I have got three children, three boys.
- Q What are the names of your boys? A Harry is one.
- Q How old is Harry? A He is about 16 years old.
- Q What is the name of the next one? A Cairo.
- Q Is that a boy? A Yes, sir.
- Q How old is Cairo? A 14.
- Q The next child? A The next one is named Charles, 12 years old.
- Q Are you married now? A No, sir, I am not married now.
- Q Is your wife living? A No, sir, she is dead.
- Q When were you married? A I was married in the Fall of '76.
- Q Where were you married? A I was married in the State of Arkansas.
- Q Was your wife a Ex Cherokee Freedman? A No, sir.
- Q Have you any proof of your marriage? A Yes, sir.
- Q Were you married according to the laws of Arkansas? A I had to buy license there.
- Q Where was that? A Place called Hillsborough.
- Q Have you got any certificate of marriage? A Yes, sir.
- Q Have you got it with you? A I think I have.

COM'R NEEDLES:--The Applicant presents a marriage license issued by the authorities of the County of Union, State of Arkansas, certifying that he was married to one Miss Susan B. Rogers, on the 21st day of December, 1876.

- Q Was Susan Rogers the mother of those children? A Yes, sir.
- Q Did you live with her until the time of her death? A Yes, sir.
- Q Were you living in the State of Arkansas when you married her? A No, sir.
- Q Living in the Cherokee Nation? A This was my home.
- Q You went over to Arkansas and married her? A I went there with a horse driver, the horse driver got sick and I got to court her and married her.
- Q Then did you bring her to the Cherokee Nation? A Right straight back as soon as I married.
- Q These children were all born in the Cherokee Nation? A All of them.
- Q Are they all living now? A Yes, sir.
- Q Are their names on the rolls of the Cherokee Nation? A None but that old rejected fall, that is all.

Herace S. Norman, et al.--8.

BY J. S. DAVENPORT:

- Q Where are the children you applied for in 1896 before the Kerns-Clifton Commission, Will, Irene and Artie? A They is here and Will is at South McAlester in the coal mine and the other one will be here.
- Q Alice and Artie are the sisters? A Artie is a sister of Alice.
- Q You were down there with a "drover" when you got this certificate?
- A Yes, sir.
- Q Did you ever vote down there when you were there with the drover?
- A You know I never voted there in the time of Christmas.
- Q How long were you there? A Six weeks.
- Q Did you ever vote in the Cherokee Nation? A No, sir, I never.
- Q Would not allow you to vote here? A No, sir, I ain't voted anywhere.

COM'R NEEDLES:--The name of Herace S. Norman is not found upon the authenticated roll of 1880 or the census roll of 1896, or any of the rolls of the Cherokee Nation in the possession of this Commission. He applies for the enrollment of himself and three children, Harry, Caire and Charles. He avers that the mother of said children was Susan E. Rogers. She is now deceased. He presents satisfactory proof of marriage to Susan E. Rogers and it is filed herewith. By reason of the fact that his name is not found upon any of the rolls and the doubtful testimony as to his citizenship, the names of Herace S. Norman and his three children will be placed upon a doubtful card.

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J. O. Ressen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Ressen

Subscribed and sworn to before me this 26th day of April, 1901.

J. S. Davenport

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Ft. Gibson, I. T., April 29, 1901.

In the matter of the application of Horace S. Norman for enrollment as a Cherokee Freedman;
Nancy Ann Sebolt being sworn and examined by Commissioner Breckinridge, testified as follows:

Com'r Breckinridge: Present, attorney of the Cherokee nation, and also applicant and his attorney.

- Q Give your full name? A Nancy Ann Sebolt.
Q How old are you? A About 74.
Q What is your post-office? A Uniontown, Arkansas.
Q Do you live in the Cherokee nation? A Yes sir, six miles from the State line.
Q In what district do you live? A Sequoyah.

Examined by Cherokee Representative, W. W. Hastings:

- Q Did you live in the Cherokee nation before the war? A Yes sir.
Q Where did you live when the war broke out, just before the war?
A In Sequoyah.
Q Near the same place you now live? A Right there where I live now.
Q What was your own father's name? A James Conrad.
Q What was your step-father's name? A James Brown. Judge James Brown, he had been a judge.
Q They called him Judge Brown? A Yes sir.
Q Were you married before the war? A Yes sir.
Q Now how far was you living from Judge Jim Brown when the war broke out? A Little over a quarter.
Q Were you living with your mother when Judge Jim Brown married her, had you married yet? A They were married on the road coming from Tennessee when the Cherokees emigrated here.
Q Were you married then? A No sir. I was going on 12 years old.
Q Then you lived with them sometime after they were married? A Yes sir.
Q You knew Judge Brown, your step-father, well? A Yes sir, he raised me.
Q How did you know Judge Brown's slaves? A Yes sir.
Q You know about how many did he have? A I can call their names.
Q Well just call them all off? A Oldest ones was Susie and Dave, he was the old man, it wasn't her man though; and Ibbie and Rosa, Martha, Mary and Ibbie and Rosa's children; they were small. Ibbie's children was a little boy called Lewis, next one was named Jefferson; they always called him by Cherokee name, Toosta, and Susie, little girl named Susie, named after her grandmother, and Nan, she was a little girl, and Rosa's children was Pompey, and Nira and Lucinda, and she died when she was little.
Q But Lucinda that died was just a small child about how old?
A She wasn't walking good; then there was three boys, little Dave they called him, old man was named Dave, and Charlie and Jerry.
Q Now you have named them all have you? A Yes sir.
Q Now at the time the war come up did Judge Brown own a woman slave by the name of Luby, that was up grown, and he children? A No sir.
Q Then did you ever know a slave woman named Lucy Norman? A No sir, not in that family.

Horace S. Norman 2 supplemental.

Q Judge Jim Brown never had one by that name? A No sir, only that little ~~lucifer~~ that died.

Q Never had a grown woman by the name of Lucy? A No sir.

Q Do you know that fellow there, Horace Norman, the applicant? (Here attorney points to negro sitting in audience.)

A No sir, I don't know him.

Q Did you ever see him before the war? A I don't remember of ever seeing him.

Q Did Judge Jim Brown have any slave that went by the name of Norman at all? A No sir.

Q You ever remember seeing him before? A No sir, I don't remember. He might have seen me.

Q You never saw him? A No sir.

Q And you came there to the old place after the war and have lived there ever since? A Yes sir.

Q Did this applicant, Horace Norman, ever come up there since the war that you know of? A No sir.

Q Then you never knew any grown woman named Lucy Brown who belonged to Judge Jim Brown, a colored woman? A No sir, unless he owned her in Tennessee.

Q Well, I mean when the war broke out? A No sir, I don't.

Q How long had he been here from Tennessee when the war broke out? A He come when they all emigrated here.

Q Did Judge Jim Brown have a little boy slave named Horace? A He had one named Lewis.

Q Say yes or no? A No sir.

Examined by Applicant's attorney, J. F. Faulds:

Q Had a little boy slave named Lewis Norman? A Yes sir.

Examined by Commissioner Breckinridge:

Q Did he have a boy named Lewis Norman? A No sir, Lewis Brown.

Examined by attorney J. F. Faulds:

Q You know anything about what slaves Judge Brown had before the war, back in Tennessee? A Well, him and his wife that he had in Tennessee, she had slaves, and they separated.

Q He and his wife separated? A Yes sir, when they lived in --- well, that is they separated just when they come to this country. When he come when he emigrated he come by land and she come by water, and when they come to this country they didn't live together no more, she took her part of the slaves and come to Illinois District.

Q And he took his part and went where? A In Sequoyah.

Q Do you know what slaves she took with her? A Part of them.

Q Do you know all of them? A No sir, not all, the oldest ones, I know all the oldest ones.

Q She may have had a slave by the name of Lucy and you not know anything about it? A She might have, she come to Illinois here somewhere.

Q You were not so well acquainted with her slaves as you were with his slaves? A Part of them I wasn't, the oldest ones I was.

Q Did the children you didn't know? A No sir.

Q So you could have been a slave named Lucy Brown that you didn't know about? A Yes sir, might have been.

Q You came here in 1837? A Yes sir.

Q You didn't know back Norman? A No sir.

Q You are talking about knowing Judge Jim Brown's slaves and his wife's slaves, you are talking about the grown up slaves?

A Yes, the wife that he had and separated from.

Q They don't have in a church to remember their names do you?

A The children, they had names.

Q And you don't remember all of them? A Oh yes sir.

Horace S. Norman 3 supplemental.

- Q Well do you remember, - you don't remember all of the children of either one of them, that is, of either Mr. Brown or Mrs. Brown?
A Yes sir, I knew about all of Mr. Brown's slaves children.
Q But you didn't know about Mrs. Brown's slaves, about her children? A No sir, I didn't know only what she had when they separated.
Q Where did you ~~ex~~ you lived time of the war? A On Lee's Creek, Sequoyah.
Q That was when the war broke out? A Yes sir.
Q How long after did you live there? A In '62 we come to Flint, District; we come there in April and staid until September in the fall of the year, and we come home then.
Q Went back to Lee's Creek? A Yes sir, and have been there ever since.
Q You don't pretend to know all the people that lived in Sequoyah District do you? A I know a good many, but I don't know all.

Examined by Cherokee Representative, W. W. Hastings:

- Q Now Judge Jim Brown and this wife that he separated from in Tennessee, never lived together any more after they came here?
A No sir.
Q From about 1837 to 1838 somewheres along there, along about that time? A Yes sir.
Q Now the slaves you have named were all the slaves that Judge Jim Brown owned? A Yes sir, them what I named.
Q You don't know all the slaves that his former wife owned, from whom he separated? A No sir, I know some of them, the oldest ones.

Examined by attorney, J. F. Faulds:

- Q How far did you live from Judge Jim Brown at the time of the war? A Little over a quarter.
Q And have you named these slaves? A You mean the slaves he had with him? A Yes sir.
Q He may have had other slaves hired out to people? A No sir, he never had nary one hired out; he was a Union man; he took his slaves with him.
Q He took his slaves with him where? A North.
Q At the time of the war? A Yes sir.
Q But I say before the war he may have had slaves hired out that you didn't know anything about? A No sir.
Q You were familiar with his business? A I was right there.
Q Did he always tell you what slaves he had? A Why I know what slaves he had.
Q You knew what slaves he had with him? A Yessir.
Q But he could have had slaves who were there with him that you didn't know couldn't he; that didn't go with him, but that were hired out and not living with him? A No sir, he never had none hired out.
Q How do you know? A I reckon I know; I was there.
Q But they wouldn't be there, they would be away in the distance; now do you undertake to swear that Jim Brown couldn't have had slaves hired out twenty miles away or forty miles away? A Yessir.
Q How do you know? A (No reply)
W. W. Hastings, Cherokee Rep'v, objects to interrogatoriss.
Q By what means do you know that Jim Brown didn't have slaves that were not living with him, slaves that have been hired out, and working in a different part of the country althogher from where you were living and from wherchs has living? A (No reply.)

Examined by Commissioner Breckinridge:

- Q Jim Brown was your step-father? A Yes sir.
Q You were a member of the family? A Yes sir.
Q And knew of his business as a member of the family would happen to know? A Yes sir.

Examined by attorney, J. P. Faulds:

- Q Did you live with him? A I lived with him until I married.
Q When did you marry Mrs. Seabolt? A I couldn't tell you exactly what time.
Q Was it before the war or after the war? A Before the war.
Q You didn't live with him after the war? A No sir, he died during the war.
Q Now how long before he died did you marry? A I couldn't tell you exactly.
Q Was it three or four years or a dozen years? A I couldn't say.
Q You had four children before he died didn't you? A Yes sir.
Q Then you must have been married from six to eight years before he died weren't you? A (No reply.)

Examined by Commissioner Breckinridge:

- Q How long before the war did Judge Jim Brown die? A He died during the war.
Q Well now, after you married how far did you live from him? A Little over a quarter.
Q So you really were living just by him even after you married? A Yes sir.
Q And you were right there in his house pretty much all the time, I suppose? A I was there nearly every day.
Q I understand you to say that your step-father, James Brown, did not own any slave woman by the name of Lucinda, you say he did not, is that it? A Yes sir, Not as I remember.
Q Now he separated from his former wife? A Yes sir.
Q That was back at the time the Cherokees came to this country? A Yes sir.
Q And she took some of the slaves and went away? A Yes sir, took here.
Q And you knew all of the grown up slaves did you, that she took? A Yes sir.
Q Well did you know all the children as well at that time? A Some of them.
Q And you don't remember any child or grown up person named Lucy? A No sir.
Q Do you remember about how many slaves she took with her? A No sir, I don't, they had a good many.
Q Did she have as many as 15 or 20? A She had more than that.
Q Did she have as much as 250? A Yes sir, I think she did.

Examined by Attorney, J. P. Faulds:

- Q You say that Jim Brown and his wife separated shortly after they emigrated to this country? A I said she never lived together, she come by water, in the boat, and he come by land; he come first and she come last; and they never lived together any more.
Q Do you know whether or not Jim Brown ever owned a slave named Lucinda? A None but that little child and it died.
Q That was the only one? A Yes sir.
Q How many slaves did you say he had? A I named over their names.
Q Well, count them up and see how many there was? A (No reply)

Examined by Commissioner Breckinridge:

- Q Did he have about the same number that his wife took off? A She had more than he did.

Examined by attorney, J. P. Faulds:

- Q What was Jim Brown doing when you knew him, for a living?
A Farming.
Q How many acres would he farm? A I couldn't tell you, I was

just a little girl growing up, 12 years old.

Q When he died? A Before the war.

Q I understood you to say he died during the war? A Yes sir.

Q You had been married and had four children when he died? A Yes sir.

Q You don't know how many acres he was farming? A No sir.

Q But you think you know how many slaves he had; well what were his slaves doing; what were they working at when the war came up?

A They farmed.

Q Well, about how many acres, big farm or small farm? A Had a large farm.

Q I thought you said awhile ago you didn't know what kind of a farm it was, whether it was large or small? A I didn't say how many acres he had.

Q How many female slaves had he? A Well there was Susie and Ibbie and Rosa and Martha and Mary and Susie again, little Susie, and Mira and Nan and one that died just before the war.

Q That's eight female slaves; were there that many males? A No sir, Dave and a horse called little Dave.

Q That's two? A Charley, Tompey, Lewis, Tosta.

Q Six; you think of no more? A (No reply.)

Q Now come right down to it, Mrs. Seabolt, you don't know of your own knowledge, as a matter of fact, that Jim Brown didn't have some slaves that were not living with him did you? A All the slaves he had was there at home with him.

Q Well now how do you know that? A (No reply.)

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M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green.

Subscribed and sworn to before me this April 30, 1901.

T. B. Needles,

Commissioner.

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George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes he copies the above and foregoing from the original thereof, and that the same is true and correct, as he verily believes.

George H. Lessley

Subscribed and sworn to before me this 29th day of August, 1905.

Edward [Signature]
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 25, 1901.

In the matter of the application of Horace S. Norman for enrollment as a Cherokee Freedman.

Supplemental testimony on part of the applicant.

Appearances:

J. F. Faulds, attorney for the applicant;
W. W. Hastings, of counsel for Cherokee Nation.

Commissioner: State what you desire to prove.

Mr. Faulds: It is simply additional testimony as to residence in the Cherokee Nation. I will state that I never understood the testimony was to be disputed.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and protests against the taking of this testimony, for the reason that testimony was heard here last April and the case submitted, and there has been six months that the case has been held open.

JOHN McDONALD, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A John McDonald.

Q How old are you? A 59 years old.

Q What is your postoffice address? A Bengs.

Mr. Faulds: Do you know the applicant, Horace S. Norman, Mr. McDonald? A Yes, sir.

Q When did you first know him? A I first got acquainted with him, in Fort Gibson here, in the year of 1866, when I first got acquainted with him.

Mr. Hastings: That is not on the question of residence, it is an absolutely unfair statement to the Court.

Commissioner: He will lead it up to the residence I suppose: go on with it.

Q Do you know where he has resided since 1866? A In the Cherokee Nation.

Q I would like to ask the question, while I think of it, I don't know whether he knows, if you know to whom this Horace S. Norman belonged, whether he was a slave.

Commissioner: I thought that has been proved two or three times: well ask him the question.

Q Do you know whether or not Horace S. Norman was a slave before the war? A Well it was so said --

Commissioner: Do you know; I want what you know?

A I can't tell, but I got acquainted with him here in the year 1866.

Mr. Hastings: Where did you live in 1866? A I was right here, sir.

Q You were here? A Yes, sir.

Q Where have you been since? A I been right here in the Cherokee Nation ever since.

Q Where do you live? A Been living twenty three years down here in Sequoyah district.

Q At what point? A A point on this side of Fort Smith three miles.

Q You have lived there twenty three years? A Yes, sir.

Q Where did you go from there? A I came from up on this side of Coffeyville, Kansas, on Big Creek.

Q How long did you live on Big Creek? A I lived there all the time.

Q How long did you live there? A I suppose I lived twenty odd years.

Q Right there on Big Creek? A Yes, sir, on Big Creek on old

Charles Journeycaks's and at Bartle's Mill.

- Q You lived there twenty odd years? A Yes, sir.
Q And you have lived down here 23 years? A Yes, sir.
Q Then you were on Big Creek and in Sequoyah district 43 years?
A Yes, sir, I never have been out of the Nation all the while, I haven't been out of the Nation, I have been here all the time.
Q That has been since '66? A Yes.
Q In '66 did you live in the Cherokee Nation? A I might have.
Q Are you an applicant for citizenship? A I am a witness.
Q Are you an applicant? A Yes, sir.
Q Is Horace going to be one of your witnesses? A I don't know.
Q You haven't got them yet? A Horace, yes he is one of my witnesses.
Q And you are a witness for him? A Yes, sir.
Q What year did you go to work for Journeycaks? A I don't know what year it was, in about the year '66.
Q That was the year you went to work for Journeycaks? A Yes, sir.
Q Was it the same year you saw Horace Norman down here? A Yes, sir, I was backwards and forwards down here.
Q And the year you were working for Charley Journeycaks was the same year you saw Horace Norman here in Shaxfall Fort Gibson in '66?
A Yes, sir.
Q You are positive of that? A Yes, sir.
Q You know that as well as you know anything? A I am confident of it.
Q Was Charley Journeycaks a Delaware? A Yes, sir, he used to be the chief.

GREEN BEAN, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Green Bean.
Mr. Paulds: How old are you? A About 65.
Q What is your postoffice address? A Well, just at different places, sometimes Fort Smith and sometimes --
Q What is your postoffice address now? A Muskogee.
Q Do you know Horace S. Norman, the applicant? A A little acquaintance with him.
Q When did you first know him? A I was acquainted with him directly after the war..
Q How long after the war? A Well in a short time.
Q About how long? A I don't know, about a year I reckon, something near that, I can't certify the exact date.
Q Where was he living then? A He was living near Webbers Falls at that time.
Q In the Cherokee Nation? A Yes, sir.
Q Do you know where he has been living ever since? A Yes, sir, according to my knowing I think he has been living in the Cherokee Nation ever since, but I am not seen him at all times.
Q Well, how often have you seen him? A Well, I have seen him a great many times, but it was generally of a Sunday.
Q Are you a minister? A That is what they claim; I have been preaching up and down the line.
Mr. Hastings: You ever tried in the courts for anything? A Never.
Q Who did you belong to before the war? A Bean.
Q Where did they live? A Well, they first lived here at Webbers Falls.
Q You are an applicant for citizenship? A Well, I don't know hardly whether I am or not.
Q Is Horace one of your witnesses? A I reckon he would be if I would call on him.
Q John McDonald the other? A No, sir.
Q You haven't arranged that yet? A No, sir, not yet, maybe I can arrange it directly.
Q You live at Muskogee now? A Yes, sir.

Q When did you come from Van Buren? A When did I come from Van Buren; I don't recollect exactly, I came through Van Buren last winter I think it was.

Q Where had you been? A Where had I been; I had been way down in Arkansas.

Q Preaching? A Yes, sir.

Q Where is your family? A Where is my family; my wife is here, let's see, I don't know exactly what place.

Q In Arkansas though? A It is in Arkansas, yes, sir.

Q You and your wife never did live in the Cherokee Nation?

A Didn't we?

Q Did you or not? A Yes, sir, I have.

Q When have you ever lived here? A Why, we lived here in '65.

Q That the last time? A That is the last time.

Q And yet you are an applicant for citizenship yourself? A Yes, sir, oh yes, sir.

Q That is the last time you were in the Cherokee Nation, in '65?

A No, sir, I didn't say that.

Q Where was Horace Worman when you saw him then? A When I first saw him; I was here near Webbers Falls.

Q Who was he living with? A With his mother at that time.

Q What is his mother's name? A I don't recollect exactly what her name was.

Q Did he have any brothers? A I think he had one, I don't recollect his name, it was small.

Q How old was Horace at that time? A I don't know, I never heard how old he was, he was a small boy.

Q He wasn't married then? A I guess not, he was a small boy, looked like to me about five or six years of age.

Q What sort of a house were they living in? A Well I don't recollect what kind of a house.

Q Were they living in town? A In town; no, sir.

Q What side of Possum Creek were they living on? A I don't know anything about that.

Q Was there any stream down there at all, near where they were living? A Well, I don't recollect whether there was a stream right close where they were living or not, I don't recollect.

Q You never saw any stream around there.

Q I won't say I didn't, I won't say I did, I went down there and preached.

Q Where did you preach? A I preached in some kind of a little house.

Q At what place? A On Browns.

Q Was that at Webbers Falls? A Yes, sir.

Q Where did you go to preach from? A I went from right up there about Fort ~~Smith~~ Smith, right in there, well they called it the Destroyer.

Q The Destroyer District? A Yes, Destroyer District.

Q How far did you have to go to preach there from Fort Smith to Webbers Falls, the distance? A I don't know how far.

Q As much as five miles? A Yes, sir, more than five.

Q Ten? A I expect it was more than that.

Q Well your best judgment? A Well it was near a days travel.

Q You never crossed any streams? A Yes, I crossed streams.

Q Was there any streams near Webbers Falls? A Well I think a stream was pretty close, but I will not certify where it was, how far.

Q You don't remember what stream it was? A No, sir, I don't recollect now.

Q You don't remember his mother's name? A No, sir, I have forgot it, I don't know it, I slightly knew her name but I will not certify it now because a man in that length of time is liable to forget names.

Q What sort of a church did you preach in? A A small one.

Q What sort of a church did you preach in? A A small one.

JOHN McDONALD, recalled for additional cross examination, testified as follows:

- Mr. Hastings: Where did you see this applicant first after the war.
Horace Norman? A The first I seen him up here at Fort Gibson.
Q Living in town? A Yes, sir, working down here in town.
Q Did you see his mother? A Yes, I seen her.
Q Did they have any other members of the family? A Well, they had a boy but I have forgot what his name was, she had two children.
Q His father here? A No, his father was dead.
Q He was dead? A Yes, sir..
Q Where were they living? A Well, I don't know where they were living when I seed ~~him~~ her she was working here in town.
Q Well, there was a good many people here in town? A Yes, sir, but I don't know who she was working for.
Q There was a good many people here in town? A Yes, sir.
Q Some of them living here yet? A Yes, sir.
Q Some of the people living there then? A Yes, sir; I believe she was making her home with old Aunt Nancy Thornton.
Q You know that she is dead now? A Yes, I know she is dead.
Q You are certain of that? A Yes, that makes no difference about that.
Q What year was that? A In the year 1866.
Q Was it in the spring or fall? A In the spring.
Q In the early spring? A I think it was about along in May.
Q You came down from Charley Journeycake's? A Yes, I was down from Charley Journeycake's, going backwards and forwards all the time.
Q You came from there that spring? A Yes, sir.
Q You were herding cattle for him? A No, sir, I was making ~~horses~~ rails for him.
Q Where did you join the army; were you in the army during the war? A Yes, I was in the army.
Q Where did you join? A Where did I join; well when I left here I went away from here and I joined the army in the old country, I run away from here when I was a boy and then came right back, I came back, I was here in the year 1866; you see that was the United States business, we --
Q Where did you join? A That makes no difference.
Commissioner: Where did you join the army? A I joined in Ohio, run away.
Q What company? A Company D, 27th U. S.
Mr. Paulds: When was that you joined the army? A I can't tell when it was, it was during the time of the war, I don't know, I was a little boy you know.
Q During the war between the north and south? A Yes, sir, and I went away, but I sure came back in here in time.

Mr. Hastings: The Representatives of the Cherokee Nation desire to call attention to the date of the Delaware Agreement, entered into on April 8, 1867.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 11th of October, 1901.

Bruce G. Jones
Commissioner

85779 OFFICE OF
India Affairs 1904
Sec. Div.

Geo. F. Taylor
Chula, N.
Dec. 5, 1904
Ref. to the case of
man case of Horace
J. Norman
/m

DEPARTMENT OF THE INTERIOR.
MAY 16 1905
Returned with No. 5620
Inclosure // IND. TER. DIV.

GEORGE P. FOGLE
ATTORNEY AT LAW
VINITA, - IND. TER.

December 1, 1904.

The Honorable Secretary of Interior,
Washington, D. C.

Sir:-

In matter of application of Horace S. Norman for enrollment of himself and three minor children and of Irene Cannon for herself and minor nephew as Cherokee Freedmen.

I have to advise that applicants are in receipt of notice from the Honorable Commission to the Five Civilized Tribes of date November 3, 1904, advising that the Commission's decision of March 5, 1904, rejecting their said application, was affirmed by the Honorable Secretary of the Interior on October 27, 1904.

The said applicants respectfully ask leave to protest against the action of the Honorable Secretary of Interior in affirming the said decision of the Commission, and further ask leave to pray that the said decision of March 5, 1904, be reconsidered by the Honorable Secretary and that the same be not approved and that the names of all the applicants be enrolled as Cherokee Freedmen.

Respectfully,

G. P. Fogle

FOR THE

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- Q Immediately after the surrender? A No sir, not immediately the surrender was on the 9th of April, 1865, and this was in 1866, I come home and it was in the fall at that.
- Q Have you seen him off and on since then? A Yes sir.
- Q Is he the same boy that was the son of Lucy Brown who was the slave of Judge Brown? A Yes sir.
- BY MR. HASTINGS:
- Q What time in the year did you go to Judge Jim Brown's house the first time? A I went there, I think it was in May, 1860.
- Q Where was Judge Jim Brown living at that time? A Up on Lee's Creek.
- Q And that was the place that you saw Horace Norman, the applicant, and his mother Lucy? A Yes sir.
- Q They were living there on Lee's Creek? A Yes sir.
- Q What kind of a house was Judge Jim Brown living in? A I don't really know, I think it was a hewed log house.
- Q One room? A I don't know how many rooms, but I rather think,---- you see I went there to keep out of sight.
- Q How long did you remain there? A I didn't remain there long.
- Q An hour? A I think I did remain there an hour or over an hour.
- Q Two hours? A I stayed all night.
- Q Just stayed all night? A I stayed all night there for something like a week.
- Q You stayed around there about a week? A Yes sir, but I didn't stay around there in the day time.
- Q You stayed around at night? A Yes sir.
- Q But during that time you of course got acquainted with Judge Brown? A No sir.
- Q Did you ever see Judge Brown? A I never seen him only once at a distance.
- Q How long a distance, a quarter of a mile? A O, no sir.
- Q About how far? A I don't know, I was on the place and he was on the place.
- Q About how far off did you see him? A I didn't pay no attention to that.
- Q Never paid any attention to it? A Not the distance, of course, I never thought anything about that.
- Q But you remember of having seen him? A Just seen him, he was kinder walking sideways, they said that was the old boss.
- Q About how old was Horace Norman when you saw him in 1860? A He was a baby.
- Q A year or two years old? A I don't know.
- Q Was he in his mother's arms? A She would take him up and handle him when he was around.
- Q He would be under two years old? A I aint going to be exact because I can't.
- Q Might he have been nursing? A He might have been and he might have not.
- Q He was between 6 months and 3 years old? A Yes sir, somewhere along there.
- Q Not over that? A I don't think it would have been.
- Q Anyhow playing in his mother's lap? A Yes sir? I don't know whether I noticed whether he could walk or not.
- Q Did you know Horace's father? A I didn't see his father while I was there.
- Q Did you ever see his father? A I don't think I ever saw him.
- Q And you think Judge Brown had a hewed log house? A I think so, I don't propose to know because I had enought to do to keep care of myself.

- Q What direction did Judge Brown's house face, the east, west, north, or south? A I don't know.
- Q Did he have a well or spring? A I don't know that, I had no occasion to know it.
- Q Did he have any farm in connection with his house? A There was a little farm there around the house. That is I seen some part of the farm, I never went over that, when I went out of the house I went into the woods.
- Q Did you see any farm there at all? A I don't know, it appears to me like I did, I don't know whether it was a cattle farm or nothing as I told you when I went away from the house I went into the woods.
- Q Did Judge Brown have any other slaves that you got acquainted with? A No sir, I seed some there but I don't think,--I don't know whether they belonged to him or not, never had no talk with them.
- Q Did he have any colored men around there? A I seed none of them.
- Q You never saw any of them yet you stayed around there about a week at nights? A Yes sir.
- Q You saw some colored women but you don't know their names? A No sir.
- Q How many? A One or two I think.
- Q Did they ever sleep in the same house Judge Brown did? A I don't know whether they did or not.
- Q Where did you sleep? A In the cabin.
- Q In the house Judge Brown lived in? A No sir, with this woman Lucy, where she stayed.
- Q Was that the same house Judge Brown stayed in? A No sir, a cabin there.
- Q What direction was Judge Brown's house from this cabin? A I couldn't tell you.
- Q North, east, south or west? A I don't know.
- Q About how far was the main house from the cabin? A Well, now I can't tell you that.
- Q Well was this house on a high hill or was it on the prairie, or was it in the flat woods or was it in the bottom, what kind of land around it? A It looked to me like it was poor.
- Q What kind of land, prairie land? A There was some woods there.
- Q Was it thin woods, what you would call prairie woods, little strips of timber over it? A Thin woods I call it.
- Q Did you find any streams there, any rivers? A No sir, I didn't see any rivers.
- Q No streams of any kind? A No sir, not about the house.
- Q None near there? A Lee's Creek was near there.
- Q How far was Lee's Creek from Judge Brown? A That would be something,--I didn't measure it, I didn't pay no attention to it.
- Q Was it then 5 miles? A Yes sir, it was less than 5 miles, must have been.
- Q About how far, your best judgment? A I don't know, I hate to tell you something I can't tell.
- Q Do you positively swear that you saw Lee's Creek when you went up there? A I crossed it.
- Q How far was it from this place of Judge Brown's? A I couldn't tell you I crossed about 3 or 4 miles above Van Buren, and I went some good ways before I got to his house.
- Q You didn't see Lee's Creek within 10 miles of his house? A I couldn't tell you about that.
- Q And you didn't see it when you left there? A Yes sir.
- Q About how far after you left Brown's before you saw it? A I don't recollect about that, I come down to this place you call Easy, I come down that way but I don't know how far it was.

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- Q Your best judgment? A You know a man can't have much judgment about that.
- Q You ought to have some idea about how far it was? A I couldn't say, may be it was 3 or 4 miles, it might have been that, I can't tell.
- Q Now that is as much as you know of that location is it? A Yes sir, for I never paid no attention to it.
- Q Was there any yard fence around Judge Brown's house? A Yes sir.
- Q Any trees in the yard? A I think there was, I am not certain, I paid no attention to it.
- Q You don't know what direction his house faces? A I do not know.
- Q What was Judge Brown's wife's name? A I don't know whether he had a wife.
- Q Did he have one? A I don't know.
- Q Did Judge Brown have any children there? A I don't know as he had any child.
- Q Do you swear he did or didn't? A I couldn't swear that at all.
- Q How did you get up there? A By direction of some other people I went there, this woman taken care of me as I asked her.
- Q Were you related to her? A Not a bit.
- Q You had never seen her before? A No sir.
- Q How did you come from Tennessee to Van Buren? A I come on a boat part of the way.
- Q Where did you get off? A At Van Buren.
- Q Who directed you to Judge Brown's house? A I found that out before I left Tennessee.
- Q And you know where he lived? A I don't know but I was told how where he lived.
- Q You didn't inquire in Van Buren because you knew when you left Tennessee? A I didn't need to inquire because I was told to hunt somebody out of the town and find such a man by the name of Brown.
- Q What did you hunt Judge Brown for? A To find this woman that they give me the name of.
- Q To whom did she belong to before? A Before when.
- Q Before she belonged to Judge Brown? A I don't know.
- Q How did you get the name of this woman? A The parties that give me the name, they are the ones that told me her name.
- Q Who was it told you that? A The Browns back yonder.
- Q How old was Lucy Brown when you saw her in 1860? A She was a young woman.
- Q About what age? A She might have been 18 may be 20, somewhere along there, I don't just know her age.
- Q Don't you know as a matter of fact Judge Brown came to the Cherokee Nation in 1839? A Yes sir.
- Q And that therefore if this woman belonged to Judge Brown at that age, and she was about the age you indicate, that she would have had to have been born in this country? in 1838 and therefore anybody in Tennessee could have known her to direct you to her? A People come back and forward from Tennessee here.
- Q Who was it, give me the name of one person that went back and give you the information of this Lucy Brown? A Elman Jimon, my father.
- Q Your own father? A Yes sir.
- Q How long had it been since he had been in this country when he went back there and give you this information in 1860? A He was here in 1852 I believe, and he was here again, I don't know whether he was here or not, but he come off in this direction, he was here in 1852.
- Q That was the last time you ever knew of him being here? A I don't know whether he come or not but the trouble is I know he come out this way.

- Q So according to your own statement this Lucy was a mere child then? A I expect she was.
- Q Why didn't he direct you to some older person? A Because, he knew this woman.
- Q You have applied for citizenship here, haven't you? A Yes sir.
- Q Applied as a Cherokee by blood, didn't you? A The blood, of course I did.
- Q And you were rejected, weren't you? A Yes sir.
- Q And you applied as a freedman? A Yes sir.
- Q Then you were rejected? A Yes sir.
- Q Did you ever apply in the Chickasaw nation? A No sir.
- Q Ever apply in the Creek nation? A No sir.
- Q And as a freedman to? A Yes sir, and Mr. Needles told you I had a right too, at Fort Gibson, had a right to apply by blood because .
- Q Where did you go from Judge Brown's house? A I told you I came out toward Remy, come across Lee's Creek on down right near about half way from the bridge down to Cherokee Station now.
- Q And you stayed there? A Yes sir, until I went away from here.
- Q How long before you went away? A The next May.
- Q May of 1861? A Yes sir.
- Q Where did you go? A Back to Tennessee.
- Q How did you go? A Any way I could get to go, sometimes on a boat from about Van Buren.
- Q Where did the boat land, where did you get off? A After I got off of it I don't know where it went.
- Q Where did you get off? A At the mouth of the Arkansas River.
- Q You had the means to pay your way? A Yes sir I did.
- Q Had you been doing anything that year? A I made some money.
- Q Well how? A I made it.
- Q Who did you work for? A I didn't work for anybody, I worked there with Vann.
- Q George Vann, just along with him? A Yes sir.
- Q Where did he put you to work? A Sometimes put me to cutting logs.
- Q Who did you cut logs for? A I don't know.
- Q Where did you cut them? A Down on the river between Fort Smith and Cherokee.
- Q Was there a saw mill down there? A No sir.
- Q What did you do with the logs? A They carried them off.
- Q Did you see any Cherokees around there? A No sir.
- Q You never did get acquainted with a Cherokee before the war? A I should think I did.
- Q If you did, who was it? A I was acquainted with several.
- Q Tell me one of their names? A I was acquainted with old man John Brown.
-
- Q John Brown? A Yes sir.
- Q Was that this Judge Brown? A No sir.
- Q Where did John Brown live? A In Tennessee.
- Q I mean in the Cherokee Nation? A In the Cherokee nation I was acquainted with John Going and Betay Going.
- Q They were free colored people? A No sir.
- Q They were negroes, colored people? A No sir, I don't think they were, they looked like Cherokees to me.
- Q Where did they live? A Not far off of Lee's Creek.
- Q How far from Judge Brown? A Way back this side.
- Q About how many miles? A May be 5 or 6, I don't know.
- Q You landed at the mouth of the Arkansas River going back to Tennessee? A Yes sir.
- Q Where did you join the army? A At Murphersboro, Tennessee.
- Q There is where you lived? A No sir.
- Q Where had you been living? A Up further toward Chatanooga than that.

Mr. Neal: I don't see the materiality of this questioning, I don't see why it can affect the rights of the applicant one way or the other.

Mr. Hastings: I think ~~materiality of this questioning~~ the residence of this witness is very material.

On behalf of the Commissioner: Objection noted.

BY MR. HASTINGS:

- Q You said you knew Lucy Brown, did you? A Yes sir.
- Q You never had seen her except these nights? A Yes sir.
- Q Did she have any other children besides Horace at that time?
- A Yes sir.
- Q What were their names? A Hudson, I think was one.
- Q The next one? A Horace.
- Q The next one? A I don't know about that.
- Q Hudson was older than Horace? A Yes sir.
- Q Did she go by the name of Norman, and these children at that time? A She was called Lucy Brown.
- Q How much older was Hudson than Horace? A Looked to be 3 or 4 years older.
- Q Did you swear that you were well acquainted with Lucy Brown?
- A No sir.
- Q Did you sign this affidavit, is that your signature? A Yes sir, that is my signature.
- Q Did you sign an affidavit before H. L. Rogers to reopen this case for this purpose? A I signed an affidavit, I think down yonder, I made my statement without the affidavit. I made the statement there I know.
- Q Did you sign that affidavit? A If that is the affidavit, I must have signed it.
- Q But you didn't swear that you were well acquainted with her?
- A No sir, I was only there a week that is all I told them.
- Q Did you swear on the 17th day of April, 1906, before H. L. Rogers, a Notary public, that you were well acquainted with Lucy Brown the mother of Horace S. Norman and Irene Cannon? A This was after that time, I didn't get well acquainted with their mother.
- Q Did you swear that Lucy Brown was a slave of Judge James Brown?
- A I don't think I swore that, I know she was there acting as a slave that is all I know it. That is the way some of my papers get fixed,-----
- Q You think then H. L. Rogers put this up on you? A I don't know, I didn't get well acquainted with her.
- Q You didn't intend to say that? A No sir.
- Q Who got you to make this affidavit? A Mr. Norman.
- Q Was H. L. Rogers there? A Yes sir.
- Q What interest did he have in this case? A None that I know of.
- Q And he came up on the train with you last night? A Yes sir.
- Q Did he come out to get you the other day to bring you here as a witness? A No sir.
- Q When did you see him last before you came up here? A I saw him in Port Smith.
- Q He talked to you about coming up here as a witness? A Yes sir, I believe he did say something about it, Norman was talking to me about it, we all come together.
- Q Where was this affidavit made signed by H. L. Rogers was it made in Port Smith, or where? A I reckon they must have drawn it up there and brought it to me.

- Q Where was it made? A I can't tell you.
- Q Was it made in Fort Smith or where? A I don't know.
- Q Don't you know where you signed it? A I think at home? I think I did, I want to be straight about it.
- Q Is Callie West here? A No sir, I don't think he is.
- Q Were you present when Callie West signed this by X mark? A No sir.
- Q He didn't come up here as a witness? A No sir.
- Q Where was Horace when you first saw him after the war? A I don't know where he was living, but I will tell you where I saw him, about where the ferry runs across the river, in the fall of '66.
- Q With whom was he living? A I don't know.
- Q Was he married then? A No sir, he was only a boy.
- Q Who was he living with? A I don't know, I tell you I saw him there.
- Q At whose place did you see him? A I saw him right on the river where the ferry boat runs along.
- Q Just standing out there on the road by himself? A Yes sir, and Mr. Johnson was there, and Isaac was there too.
- Q They were standing out there together? A I met them right there.
- Q When did you see Horace again after that? A I don't know, it was, I saw him very often in passing up in the Cherokee Nation myself.
- Q Where did you ever see him where he was living after the war?
- A Now I don't know as I know of any place he lived himself because it was sometime before I saw him again.
- Q How long before you saw him? A Now it may have been 10 or 12 or 15 years, I don't know what time it was.
- Q Where did you see him? A I never seen him to live at any place until he lived there at George Vain's, I got him to go there myself.
- Q When was that, during this last payment in 1896 or 1897? A I think it was after the payment.
- Q Then you never saw him from 1886 until after the payment? A Yes sir, I did, I didn't tell you that.
- Q Where did you see him? A I can't tell you where I met him, but the trouble you want to find out his home.
- Q Where did you meet him the next time? A At my house.
- Q Where were you living? A At van Buren, he came there several times to see me.
- Q Where was he married? A I don't know where he was married.
- Q Do you know his wife? A No sir.
- Q Do you know his children? A I know Lee, Harry, Care, ----
- Q You don't know Irene? A Yes sir.
- Q Where was she born? A I don't know that, they have not been living right around me.
- Q Were you ever at Horace Norman's house? A Yes sir.
- Q That has been since the payment in 1897? A I believe so.

BY MR. HEAL:

- Q You say this is your signature to this affidavit? A Yes sir.
- Q Was it read over to you before you signed it? A Yes sir, I think so.

WITNESSES SUBSCRIBED.

ISOM JOHNSON, being first duly sworn, testified as follows:

BY MR. NEAL:

- Q What is your name? A I son Johnson.
- Q How old are you? A I don't really know, I have only what was given me, what George Johnson told me.
- Q About how old are you? A About 76 the last I learned from him.
- Q How long have you lived in the Territory, in the Cherokee Nation?
- A All my life, born and raised in the Cherokee Nation.
- Q Were you acquainted with Horace S. Norman? A Yes sir.
- Q Did you know his mother before him? A Yes sir.
- Q Who did she belong to before the war? A To Judge Brown.
- Q Was Judge Brown a Cherokee Indian? A I suppose he was a Cherokee Indian, that is what he was said to be.
- Q What was Horace Norman's mother's name? A Lucy Brown.
- Q Were you well acquainted with her before the war? A Yes sir, I knew her, I was acquainted with her.
- Q Where did you get acquainted with her before the war? A The first acquaintance I got of her was up at Judge Brown's own place on Lee's Creek.
- Q Was Judge Brown's old original place on Lee's Creek? A Yes sir.
- Q Then do you know after that did you ever know her down in the bottom at work? A Yes sir, I saw her.

Mr. Hastings: Objected to as being leading and I move that the same be stricken from the record because it is not shown yet that she was ever in the bottom.

On behalf of the commissioner: Objection noted.

- Q How long before the war did you know her? A Some 4 or 5 years.
- Q Where did you see her the year before the war, the year the war broke out where was she? A She was at Judge Mackeys.
- Q Where is that with reference to Judge Brown's place? A I mean she was at Browns the first acquaintance I got of her.
- Q Right before the war you said she was at Mackeys? A She worked there, I don't know how long, her and several others of them, he had them hired out at the salt works at Mackeys.
- Q Is she the mother of Horace Norman? A Yes sir.
- Q How long have you known Horace? A All of his life.
- Q You know Horace Norman is the child of Lucy Brown, who was the salve of Judge Brown? A Yes sir.

BY MR. HASTINGS:

- Q You are an applicant to be enrolled as a Cherokee freedman? A

Mr. Neal: Objected to because it is incompetent.

On behalf of the Commissioner: Objection noted.

- A Yes sir.
- Q You had a wife by the name of Matilda? A I did.
- Q Son Paul? A Yes sir.
- Q Son Isaac? A Yes sir.
- Q Daughter Lulu? A Yes sir.
- Q Son Adam? A Yes sir.
- Q Son Turner? A Yes sir.
- Q Daughter Ida? A Yes sir.

- Q And the Commission refused you on July 23, 1904, did it not?
A I suppose it is so.
- Q And the Secretary of the Interior approved that rejection on September 22, 1904? A Yes sir, I suppose so.
- Q How far did you live from Judge Brown's when the war came up?
A I don't know exactly, I lived in the bottom.
- Q How far from where he lived? A I can't tell just how far it was, it may have been 25 or 30 miles.
- Q Did you ever see Lucy Brown at Judge Brown's place? A Yes sir.
- Q How long before the war? A Some 4 or 5 years.
- Q Did you ever see Horace Norman there? A I don't recollect, she had some two or three children.
- Q You don't remember of seeing him before the war? A There was a couple of boy children there, one of them as well as I recollect the oldest one was some older than this one here.
- Q How old was the young one? A I reckon at that time as well as I remember some two or three years old.
- Q And that was some 4 or 5 years before the war? A Yessir.
- Q You never saw them again before the war? A Not until I saw them down in the bottom.
- Q That was after the war? A Yes sir.
- Q Did you see him any more until after the war? A No sir, for the simple reason George Johnson went off to Beggy Depot.
- Q Then you saw him some 4 or 5 years before the war and you never saw him any more until after the war? A Yes sir.
- Q How long after the war before you saw him? A It was along, I think, in 1867, if I recollect right.
- Q You may be mistaken about it? A I think it was in 1867.
- Q Was he married then? A Who was that?
- Q This Horace, when you saw him? A I don't know anything about the marriage, I don't recollect nothing about that.
- Q Did you see his wife and some children? A I suppose we saw some children, I reckon it was his wife and children.
- Q Reputed to be? A Yes sir, claimed to be.
- Q And that was in 1867? A Yes sir.
- Q Where did you see them? A In the bottom from Fort Smith up in the bottom? A
- Q They were living in a house there? A Yes sir, in a cabin up near us on the Garrison Creek in the bottom.
- Q And that was the first time you saw them after the war? A Yes sir, living in a cabin up there.
- Q What was this woman's name he was living with and how many children did they have? A I don't recollect but three.
- Q What were their names? A I don't remember that, I wasn't around then a great deal.
- Q They were claimed to be his children? A Yes sir.
- Q He recognized them? A Yessir.
- Q He recognized this woman as his wife? A Yes sir.
- Q On whose place was he living? A I don't remember whose place, I think, as well as I recollect, it was on Stealer's place.
- Q You are not going back on that statement are you at all? A No sir.
- Q You understand it? A I think it was on the Stealer place.
- Q Was his oldest child a girl or boy? A I think a boy if I recollect right, I think it was.
- Q Were you ever at Judge Brown's place before the war? A Yes sir, I drove cattle around there.
- Q What kind of a house did he live in? A If I recollect right it was a double log house.

- Q How far from Lee's Creek, about how far? A I don't know, it was a short distance from Lee's Creek.
- Q Wasn't it just between little Lee's Creek and Big Lee's Creek, and about a quarter of a mile from the creek? A I think that is just about right.
- Q Did you know any other of Judge Brown's slaves? A I know ^{the} Martha Brown.
- Q Did you know Rosanna Melton? A Yes sir, slightly.
- Q Did you know her as the slave of Judge Brown? A If I recollect right she went by the name of Fields.

BY MR. NEAL:

- Q Lets see, did you understand Mr. Hastings awhile ago, you saw you saw Lucy some 4 or 5 years before the war at Judge Brown's place?
- A Yes sir.
- Q That was up where he lived? A Yes sir.
- Q Did you ever see her any more before the war? A No sir, not any more before the war, we had to go away out to Boggy Depot, George Johnson did and I never saw them any more until I came back.
- Q Did you come back before the war or afterwards? A I come back---
- Q You never saw her down at Mackey's at all? A Yes sir, I saw her there at work.
- Q You told Mr. Hastings awhile ago that you never saw her but one time? A I saw her out there with two or three others of Judge Brown's slaves.
- Q Do you remember the names of them? A Martha was one, David and this Lucy.
- Q Was there any more hired out down there? A Yes sir.
- Q Do you remember any of their names? A I am not certain but I think one of them was named Pomp, if I remember right.
- Q Then when you saw this woman Lucy first you say up at Judge Brown's place about 4 or 5 years before the war? A Yes sir.
- Q Then you saw her afterwards at the Salt works? A Yes sir.

BY MR. HASTINGS:

- Q How long before the war, just a few days after you saw her at Judge Brown's? A Yes sir.
- Q Then it was 4 or 5 years before you saw her? A Yes sir.

BY MR. NEAL:

- Q Now you said when you came back you saw Horace Norman in 1867, and that he had a wife and children at that time? A Yes sir.
- Q Then he must have been about grown when the war broke out? A He claimed the family.
- Q How old was Horace at that time? A I don't know, he may have been 17 or 18 years old, he was a young man.
- Q A young man when you came back there after the war? A Yes sir.

ON BEHALF OF THE COMMISSIONER:

- Q You say you saw Horace before the war? A Yes sir, and another brother of his.
- Q And he was the son of Lucy Brown? A Yes sir.
- Q And Lucy Brown belonged to Judge Jim Brown? A Exactly right.
- Q Was Judge Jim Brown a Cherokee by blood? A I would not say positively because there was other mixtures, he was a citizen, as far as I understand I couldn't locate him to say what mixtures he was.
- Q He was said to be a Cherokee? A Yes sir.
- Q Do you know whether he was recognized as a Cherokee by blood or not?
- A He was a recognized citizen as far as ever I understood.
- Q Was he a colored person? A No sir.
- Q If anything he was a Cherokee or white man? A As far as I know he was always said to be a Cherokee by blood.

ROSANNA MELTON, being first duly sworn, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A Rosanna Melton.
Q What is your age? A 67.
Q What is your post office? A Redland.
Q Are you a Cherokee freedman? A Yes sir.
Q Were you a slave of a Cherokee citizen before the war? A Yes sir.
Q Who owned you? A Judge Brown, Judge Jim Brown raised me.
Q Where did Judge Brown live that owned you? A On Lee's Creek.
Q Sequoyah District? A Yes sir.
Q About how old were you when the war came up? A I guess I was about 22 years old.
Q Did you have a son by the name of Pomp? A Yes sir, my oldest child.
Q To whom did he belong when the war came up? A Judge Brown.
Q Did Judge Brown have a wife? A Yes sir.
Q Were you well acquainted with Judge Brown's slaves? A Yes sir.
Q Did you know them all? A Yes sir, every he owned since I could recollect.
Q About how old were you when the war came up? A I guess I was about 21 years old.
Q Did you ever see this applicant, Horace Norman, here? A No sir, not before the war.
Q Have you ever seen him before this morning? A It seems to me, yes sir, I have seen him before.
Q About when? A At my house two or three days ago.
Q Did he come to your house then? A Yes sir.
Q Talked to you anything about being a witness in this case? A No sir, he didn't say anything to me only he asked me what my given name was. He said he had heard his mother speak of me many times and I asked him who was his mother, and he told me who his mother was.
- Mr. Neal: We object to any conversation that took place there.
- On behalf of the Commissioner: That is material, that will be heard.
- Q He told you who his mother was? A Yes sir.
Q Did you tell him that you knew his mother? A I told him I guess he was mistaken I guess it was some other Brown, I knew everything my old master had.
Q Did he own a woman by the name of Lucy Brown? A No sir, not that I knew of.
Q If he had of owned one by that name would you have known it? A Yes sir.
Q Knew all his slaves? A Yes sir.
Q Did he have this applicant here, Horace Norman, when the war came up? A Not as I know of.
Q If he had of been there would you have know it? A Yes sir, never had anybody there but our family.
Q Did you ever know a free colored man in that country around there by the name of Jack Norman? A No sir.
Q What kind of a house did Judge Brown live in? A Frame house.
Q Two story? A Yes sir.
Q Is that house standing there yet? A Yes sir.
Q How far is it from Lee's Creek? A From Little Lee's Creek about 3/4 of a mile.
Q How far from Big Lee's Creek? A About two miles, or 1 1/2 miles.

- Q In between the two? A Yes sir, it was always called two miles.
- Q Where was your son Pomp when the war came up? A At home, he taken him off when he went.
- Q He took him with him? A Yes sir, he and my nephew by the name of Louis.
- Q You are the grand mother of Louis T. Brown here in town? A Yes sir.
- Q Were you married when the war come up? A Yes sir.
- Q How many children did you have? A 5.
- Q Name all the slaves of Judge Brown as you remember them? A The oldest one was my mother.
- Q What was her name? A Susie, the next oldest one was Uncle Dave, then my oldest sister, Aby, then Mary Ann, the the next oldest boy Jerry, Isaac, he died, the next oldest boy was brother Bill Brown, and sister Gallie, and sister Martha.
- Q What became of Martha? A She died.
- Q When did Martha die? A A number of years before the war.
- Q About how many years? A I just couldn't tell you.
- Q As much as 10 or 15 years? A Yes sir, about that, I think one of them died when she was about 14, Gallie was about 12 when she died.
- Q Did Judge Brown have any slave by the name of Lucy? A Not as I know of.
- Q Could he have had one by the name of Lucy? A No sir, never heard any by that name.
- Q Was any of them hired out over at Mackey's salt works? A Not as I know of.
- Q Did he have a woman by any name who had two boys named Horace and one named Hudson? A No sir.
- Q Did he ever have a colored boy named Horace? A No sir.
- Q Was anybody connected with the family named Horace? A None as I know of. I knew all the colored people, it was all one family. When Master Brown and his wife separated they divided the colored people.
- Q They separated in Tennessee? A Yes sir, he left her back there and he taken this woman's mother.
- Q Mrs. Seabolt's mother? A Yes sir, and when she come she come on the water, and when she come she would not live with him, she just moved up here in Illinois district and left him down in Sequoyah.
- Q But they never had one by the name of Lucy? A Never as I know of.
- Q And your son Pomp never worked at Mackey's salt works? A No sir.
- Q Then if Isom Johnson swore that he is mistaken? A Yes sir.
- Q Was there any other Pomp in Judge Brown's family besides your son? A No sir, I never heard of one.
- Q Except your son? A My son was 50 miles from Illinois to our house.
- Q Did Judge Brown own any other slave by the name of Pomp except your son? A None as I know of.
- Q And he never worked at the salt works? A No sir, not as I know of.
- Q Never hired any over there? A Never hired of his colored people nowhere.
- Q What become of his colored people when the war come up? A Went to Fort Scott, Kansas, and I went south with Arch Fields.
- Q Where did you live then? A About a mile on the other side of Fort Smith.
- Q Where did your mother live? A At old man Brown's.
- Q Were you living there when the war come up? A Yes sir, never lived nowhere else all my days. Never was two days in my life without seeing some of my people until after the war come up.
- Q Did you ever know this man Harkwell H. Houston? A No sir.

- Q Did you ever hear of him coming up there? A I never saw him.
- Q Do you know him? A No sir, never saw him before until I saw him on the train yesterday. I don't claim to know everybody but I know my people, my old master's relation and all my colored people, his brothers who used to visit at his house, I knew them, I was his house girl & now I was 5 years old.
- Q Who was this Fields? A My old master's grown nephew, David Field's son, and this Ailsey was his mother.
- Q Then you never lived more than a mile away from Judge Brown's from the time you were born his slave until the time you were freed, you never lived over a mile from Judge Brown's? A Never was two or three days without seeing some of my people.
- Q Was your mother living when the war come up? A No sir died the year before the war come up.
- Q Did she die the slave of Judge Brown? A Yes sir, my father died in the time of the war.
- Q Was he the slave of Judge Brown? A No was the slave of Jennie Brown, Judge Brown's wife, she set him free when he was 31.
- Q Did Judge Brown have a farm in connection with this place? A Yes sir had a farm.
- Q Did he have any children himself? A No sir, never as I heard of. He said he never was called father in his life, he raised other people's children, two or three sets of children.
- Q You know Mrs. Seabolt, a witness here? A Yes sir.
- Q Do you know that man out there, Mr. Seabolt? A Yes sir, her son.
- Q He was there at Judge Brown's when the war come up? A Not more than 3/4 of a mile to their house across the creek.

BY MR. NEAL:

- Q You are a Cherokee freedman regular enrolled? A Yes sir, I am on the 1880 roll, never was disputed in my life.
- Q You say that Judge Brown never hired out any of his slaves? A Yes sir.
- Q You knew all of his slaves around the house there? A Yes sir.
- Q Up until 4 years before the war when you were with Fields? A Yes sir.
- Q After that time you did not know so much about the slaves? A He didn't have any to hire out, you see Dave run off and he sold Charley, and he didn't have any but my brother Billy and he was only about 19 years old.
- Q He just had two, you and your brother Billy? A Yes sir, then the young man Dave, master give him his freedom when he was a boy. My sister had a son named Louis and Jefferson.
- Q Fields was your owner? A Yes sir, when I went to Fields my old master kept two of my children. After I started he said that it was going to be separated, he said send back and get the girl, and I sent back and got the girl, my oldest daughter now, Elaira.
- Q You say Judge Brown never did have a woman named Lucy that you know anything about? A No sir.
- Q You don't mean to say that he didn't have any, just that you don't know anything about? A No sir, none in my house.
- Q You would not swear that he didn't own a woman named Lucy? A I would not swear before my time, I would swear it.
- Q He didn't have any that you knew anything about? A No sir, never had any that he kept at home, every one was at home that he owned.
- Q How do you know it? A Because, it was all the colored people he had.
- Q You don't mean to say he didn't have some somewhere else? A I don't think he ever owned any more except what there was of us.
- Q You mean that he didn't own any others? A If he did he had them secretly.
- Q Now you mean to say then that your master had no slaves except those mentioned you never heard him say anything about it? A No sir.

- Q And therefore you do not know anything about it? A No sir, because I don't think he owned any except what was at home.
- Q Now you say he and his wife separated here or in Tennessee?
- A He left her in Tennessee, and he come to this country, and on his way to this country he married this woman's mother.
- Q Did she come on over here? A She come up here on Lee's Creek.
- Q When she come over here you said they divided the slaves? A Yes sir.
- Q Where did she go? A To Illinois, she died somewhere in Illinois.
- Q How many slaves did she take off with her? A She had 6 or 7.
- Q You don't know anything about the slaves she took with her?
- A Yes sir.
- Q How long before the war was it she and Judge Brown separated?
- A A long time, separated before I was grown, I come here when I was a baby for I got up a good big girl she died, and when she died all of the colored people went back to Tennessee to her grand-daughter.
- Q A part of them went to her husband, didn't they? A No sir, he never got none only what was his, he never got any of her estate.
- Q Now you say when the war broke out you say he had you and your sister and old man Dave? A Yes sir.
- Q He had three grown slaves? A No sir, he had more than three grown slaves, me, mother, Uncle Dave, and my sister, and my sister's daughter was grown, and my sister's other daughter was grown and her son about 16 years old.
- Q Then he had 8 slaves when the war broke out? A He had more than that.
- Q I mean those grown? A My son was about 19 years old.
- Q Do you know Isom Johnson? A Yes sir.
- Q Did you know him before the war? A No sir, not until the time they were registering.
- Q Never saw him before the war? A No sir, I got acquainted with him, they called me in for a witness and I didn't know him before the war.

BY MR. HASTINGS:

- Q About how long before the war did Judge Jim Brown's first wife from whom he separated in Tennessee die? A Jennie Brown.
- Q Yes? A I couldn't tell you that, I wasn't grown when she died.
- Q You weren't married, you didn't have any children? A No sir, just a girl 10 or 11 years old.
- Q You were 24 when the war came up? A No sir, I wasn't 24 when we went off about 22 when we come back I was 28.
- Q Then you were according to your statement about 10 or 11 years before the war? A Longer than that.
- Q About 15? A I expect it was and longer to, she didn't live so many years, I was no more than a waiting girl on the table.
- Q A good many of her slaves went back to Tennessee? A Yes sir, and they were all my relations.
- Q You knew them all? A Yes sir.
- Q She didn't have any by the name of Lucy? A None that ever I knew of.
- Q Could Judge Jim Brown had a negro woman by the name of Lucy who had two children and lived there at Judge Jim Brown's without your knowing it? A Not before the war, no sir. The only woman that ever I remember married a colored man that belonged to Coody.
- Q You had a child named Lucinda and she died? A Yes sir, died when she was 10 years old.

BY MR. NEAL:

- Q Do you know of any of the old slaves Judge Brown had living now?
A I got a sister down here, sister Mary.
Q Where does she live? A Vian.
Q What is her name? A Mary Griggs, she is blind.
Q Do you know any of the others? A No sir, none of them living, yes sir one of them that belonged to the old lady.
Q Then you are the only one of Judge Brown's slaves that belonged to him that is living now? A Yes sir.
Q Then you are the only one of the old slaves that are still living?
A Yes sir, and one of my sister's daughters she is living.
Q How old was she when the war broke out? A About 5 or 6 years old.
Q You were the only one old enough to remember things at the time of the war, that is living now? A Yes sir.

WITNESS EXCUSED.

JOSIAH SEABOLT, being first duly sworn, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A Josiah Seabolt.
Q What is your post office? A Long.
Q District? A Sequoyah.
Q Are you a Cherokee by blood? A Yes sir.
Q What is your mother's name? A Nancy.
Q What is her post office? A Long.
Q Does she live near Uniontown? A Yes sir.
Q Did you know Judge Jim Brown in his life time? A Yes sir.
Q How old were you when the war came up? A I must have been about 9 years old.
Q Were you living with Judge Brown? A No sir, I was living with my mother.
Q How far from Judge Brown's place did your mother live? A It was about a mile.
Q She was a step-daughter of Judge Brown? A Yes sir.
Q Were you acquainted with Judge Brown's slaves? A Yes sir.
Q Did he have a colored woman by the name of Lucy? A If he did I don't recollect any by that name.
Q Did you ever know a free colored man by the name of Jack Norman?
A No sir.
Q Did you ever know this colored applicant here, Horace Norman?
A No sir.
Q Was he a slave of Judge Brown before the war? A Not that I know of.
Q Did Judge Brown have any slaves by the name of Horace? A No sir not that I knew, wasn't any by that name.
Q Did you know them? A Yes sir, I knowed them.
Q And he didn't have any by that name? A No sir.
Q What kind of a house did Judge Brown live in? A In a frame house big tall story frame building.
Q Is that house standing yet? A Yes sir.
Q Who lives there? A My mother lives there.
Q Has she lived there since the war? A Yes sir.
Q And she lived within a mile of it before the war? A Yes sir.
Q And Judge Brown was her step-father? A Yes sir.
Q Did you know this colored woman that left the stand? A Yes sir, I have known her all my life.
Q Was she a slave of Judge Brown? A She was, she had been, she was at the time I used to see her there, and then she moved over south of Judge Brown's.
Q About how far? A Something about 1 1/2 miles.
Q With whom? A With Arch Fields.

- Q Did you know Rosanna's mother? A Yes sir.
Q Did you know her father? A Yes sir.
Q Who were they the slaves of? A Her mother was as near as I recollect the slave of Judge Brown.
Q Did Rosanna have any children when the war came up? A Yes sir.
Q What was some of their names? A A boy named Pompey, one named Jerry, a little girl named Myra.
Q Was there any Horace belonged to any of them, I mean the child of any of them? A No sir, not that I know of, never heard of any named Horace.
Q Did you know all the little boys in the Brown family? A Yes sir.
Q Played with them? A Yes sir.
Q If there had been one named Horace 4 or 5 years old when the war came up would you have known it? A Yes sir.
Q Was there one by the name of Hudson, a brother to Horace? A Never heard of any one by that name.

BY MR. NEAL:

- Q How old did you say you were now? A 51 years old last February.
Q How old were you when the war broke out? A I must have been about 9 years old.
Q You are 51 now, the war broke out in 1861, then you were about 6 or 7 when the war broke out? A I don't just exactly know how old I was when the war broke out, I was born in 1854.
Q You were born in 1854? A Yes. Then you were 7 years old when the war broke out? A I expect something about that.
Q How far did you live from Judge Jim Brown's? A About a mile.
Q When you were a boy? A Yes sir.
Q The most of these slaves you got acquainted with them during the war and after the war? A During and after the war some of them.
Q You don't mean to say that you remember the names of all these slaves and the different slaves that were there before the war when you were only 7 years old? A No sir, not all the slaves. He had some before I was born.
Q You don't testify that you knew all the slaves he had? A I don't remember all of them.
Q Then you don't know whether he had a woman named Lucy or not, do you? A No sir, he might have had one before I can remember.
Q How old were you when you remember, 7 years old, do you remember the names of all his slaves at 7? A He might have had some.
Q He seemed to have had some at the outbreak of the war that you were too young to remember, were you, you just remember those old slaves that just helped take care of you and nursed you? A I can name them.
Q You are not willing to testify, of course couldn't testify, being only 7 years old what slaves he had, some of them you knew, some of them you don't. You don't know whether he had one named Jane or not, is not that true, Do you mean to tell the Commission that you remember these slaves their names, when you were only 7 years old when the war broke out? A All of them.
Q All of them? A I don't know he might have had some before.
Q Some that you don't remember? A He might have had some and disposed of some of them, that wasn't there when the war came up.
Q Wasn't at the house, around the house? A No sir, might have been somewhere else.
Q Then you don't know and cannot testify can you whether he owned a slave named Lucy or not, you don't know? A No sir, I don't.

BY MR. HASTINGS:

- Q Did he have one named Lucy there at his place when the war came up?
A I never heard of any by that name when the war came up.
Q Did you hear of one of that name? A No sir.
Q Did you ever know by that name? A No sir.

- Q Did you ever know any woman there that had a child named Horace? A
A No sir.
- Q Did you know all of his slaves when the war came up? A All that
he had there.
- Q And if you were asked about any one of them you could tell whether
he owned that one or not, couldn't you? A Yes sir.
- Q While the war was officially declared in 1861, yet it didn't really
run the people out of the country down there until 1862 or 1863
did it? A I don't know just what time it was when it runed the
people out.
- Q And your mother was a step-daughter of Judge Brown? A yes sir.
- Q And you were backward and forward nearly every day? A Yes sir.
- Q When did you first see this applicant Horace Norman? A To day ish
the first time I ever saw him.
- Q Was he at Judge Brown's place there before the war as Judge
Brown's slave? A I never did see him, if he was.

BY MR. NEAL:

- Q Suppose this, suppose he was two or three years old before the
war, had been hired out when you were 3 or 4 years old?

We object to this question because it is not the contention of
the party, and the witness for the applicant, named Harkwell
H. Houston swore that he saw this boy there with Lucy Brown in
1860, and therefore it is supposing it upon a supposition that
is not borne out by the testimony.

On behalf of the Commissioner: Objection noted.

- Q Answer the question? A What was the question.
- Q I asked you if this boy's mother had been there when you were two
or three years old and had afterwards been hired out, would you
remember? A No sir, I don't reckon I would have remembered any-
thing like that. If I was 3 or 4 years old I would ~~xxxx~~ not have
known who was hired out and who wasn't.
- Q You were but 7 when the war broke out were you? A About that,
I never just studied out how old I was, I know when I was born.

W I T N E S S E X C U S E D.

NANCY SEABOLT, being first duly sworn, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A Nancy Seabolt.
- Q How old are you? A 78 years old.
- Q What is your post office? A Uniontown, Arkansas, I stayed close
to Shakespeare, we don't get our mail there any more.
- Q Are you a Cherokee by blood? A Yes sir.
- Q Did you know Judge Brown before the war? A Yes sir.
- Q I believe you testified in this case at length before, have you
not? A Yes sir.
- Q You testified then that you were a step-daughter of Judge Jim
Brown? A Yes sir.

Mr. Neal: I want to object to this witness testifying at
this time because of the fact that she has heretofore been
examined, and this hearing is for the purpose of taking addi-
tional testimony, and not for the purpose of taking original
testimony.

On behalf of the Commissioner: Objection noted.

- Q You have testified before in this case? A Yes sir.
Q And what you testified to were the facts in the case? A Yes sir.

On behalf of the Commissioner: A copy of the testimony taken in this case will be filed with and made a part of the record in case of Irene Cannon et al., Cherokee Freedman D--140.

The Attorneys for the applicants and the Cherokee Nation announce that they have no further testimony to introduce in this case, this case will be closed and a decision prepared upon the evidence heretofore introduced.

-----oOo-----

George H. Lesley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lesley

Subscribed and sworn to before me this 28th day of August, 1905.

Wm. H. White

Notary Public.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., AUGUST 24, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application
for the enrollment of HORACE S. NORMAN ET AL., as Cherokee freedmen.

APPEARANCES:

For Applicants, Neal & London.

For the Cherokee Nation, W. W. Hastings.

MARKWELL H. HOUSTON, being first duly sworn, testified as follows:

BY MR. NEAL:

- Q What is your name? A Markwell H. Houston.
- Q How old are you? A I was 71 the 1st of this last June.
- Q Where do you live? A Down in Sequoyah District.
- Q What is your post office address? A Redland, Indian Territory.
- Q Are you acquainted with Horace S. Norman? A Yes sir.
- Q How long have you known him? A I have known him a good many years.
- Q Did you know his mother before him? A Yes sir.
- Q When did you first know his mother, first see his mother, about when? A It was in 1860, I suppose, it was the year President Lincoln was elected, in that year I knew.
- Q Well, what was his mother's name if you remember? A Lucy, I think Lucy Brown she was called.
- Q Do you know who she belonged to before the war in 1860? A I suppose she belonged to Brown.
- Q What Brown? A Jim Brown.
- Q Why do you suppose she belonged to Jim Brown? A Because she was there to work. I was kinder afraid to be in here, of course I had -----
- Q You were a free negro? A Yes sir, and had an object coming here to find the Browns. I was a Brown, you can see it on my application, and I came in here then and I was afraid to be seen, I was a slave here as well as back yonder.
- Q You say you came in here in 1860? A Yes sir, I came in here and saw the woman.
- Q You went up to Judge Brown's when you came in? A I did.
- Q You came from Tennessee was it? A Yes sir.
- Q And you went up to Brown's place in 1860? A Yes sir.
- Q And you saw this woman there? A Yes sir.
- Q She was reputed to be a slave of Brown, and worked for Brown at that time? A Yes sir.
- Q Did you see her off and on then until the war of the rebellion?
- A No sir, I didn't see her.
- Q When did you leave there? A I didn't stay there very long, I found Judge Vann and Green Johnson.
- Q And you went to, -----? A George Vann.
- Q Did you see her later after that, at other times? A No sir.
- Q Did you see her after the war? A No sir, I didn't.
- Q Did you see Horace here? A Yes sir.
- Q How big was Horace when the war broke out? A He was a child.
- Q How long after the war was it before you saw him? A I saw him in '66.

- 2-
- Q Immediately after the surrender? A No sir, not immediately the surrender was on the 9th of April, 1865, and this was in 1866, I come home and it was in the fall at that.
- Q Have you seen him off and on since then? A Yes sir.
- Q Is he the same boy that was the son of Lucy Brown who was the slave of Judge Brown? A Yes sir.

BY MR. HASTINGS:

- Q What time in the year did you go to Judge Jim Brown's house the first time? A I went there, I think it was in May, 1860.
- Q Where was Judge Jim Brown living at that time? A Up on Lee's Creek.
- Q And that was the place that you saw Horace Norman, the applicant, and his mother Lucy? A Yes sir.
- Q They were living there on Lee's Creek? A Yes sir.
- Q What kind of a house was Judge Jim Brown living in? A I don't really know, I think it was a hewed log house.
- Q One room? A I don't know how many rooms, but I rather think,---- you see I went there to keep out of sight.
- Q How long did you remain there? A I didn't remain there long.
- Q An hour? A I think I did remain there an hour or over an hour.
- Q Two hours? A I stayed all night.
- Q Just stayed all night? A I stayed all night there for something like a week.
- Q You stayed around there about a week? A Yes sir, but I didn't stay around there in the day time.
- Q You stayed around at night? A Yes sir.
- Q But during that time you of course got acquainted with Judge Brown? A No sir.
- Q Did you ever see Judge Brown? A I never seen him only once at a distance.
- Q How long a distance, a quarter of a mile? A O, no sir.
- Q About how far? A I don't know, I was on the place and he was on the place.
- Q About how far off did you see him? A I didn't pay no attention to that.
- Q Never paid any attention to it? A Not the distance, of course, I never thought anything about that.
- Q But you remember of having seen him? A Just seen him, he was kinder walking sideways, they said that was the old boss.
- Q About how old was Horace Norman when you saw him in 1860? A He was a baby.
- Q A year or two years old? A I don't know.
- Q Was he in his mother's arms? A She would take him up and handle him when he was around.
- Q He would be under two years old? A I aint going to be exact because I can't.
- Q Might he have been nursing? A He might have been and he might have not.
- Q He was between 6 months and 3 years old? A Yes sir, somewhere along there.
- Q Not over that? A I don't think it would have been.
- Q Anyhow playing in his mother's lap? A Yes sir? I don't know whether I noticed whether he could walk or not.
- Q Did you know Horace's father? A I didn't see his father while I was there.
- Q Did you ever see his father? A I don't think I ever saw him.
- Q And you think Judge Brown had a hewed log house? A I think so, I don't propose to know because I had enough to do to keep care of myself.

- Q What direction did Judge Brown's house face, the east, west, north, or south? A I don't know.
- Q Did he have a well or spring? A I don't know that, I had no occasion to know it.
- Q Did he have any farm in connection with his house? A There was a little farm there around the house. That is I seen some part of the farm, I never went over that, when I went out of the house I went into the woods.
- Q Did you see any farm there at all? A I don't know, it appears to me like I did, I don't know whether it was a cattle farm or nothing as I told you when I went away from the house I went into the woods.
- Q Did Judge Brown have any other slaves that you got acquainted with? A No sir, I seed some there but I don't think,--I don't know whether they belonged to him or not, never had no talk with them.
- Q Did he have any colored men around there? A I seed none of them.
- Q You never saw any of them yet you stayed around there about a week at nights? A Yes sir.
- Q You saw some colored women but you don't know their names? A No sir.
- Q How many? A One or two I think.
- Q Did they sleep in the same house Judge Brown did? A I don't know whether they did or not.
- Q Where did you sleep? A In the cabin.
- Q In the house Judge Brown lived in? A No sir, with this woman Lucy, where she stayed.
- Q Was that the same house Judge Brown stayed in? A No sir, a cabin there.
- Q What direction was Judge Brown's house from this cabin? A I couldn't tell you.
- Q North, east, south or west? A I don't know.
- Q About how far was the main house from the cabin? A Well, now I can't tell you that.
- Q Well was this house on a high hill or was it on the prairie, or was it in the flat woods or was it in the bottom, what kind of land around it? A It looked to me like it was poor.
- Q What kind of land, prairie land? A There was some woods there.
- Q Was it thin woods, what you would call prairie woods, little strips of timber over it? A Thin woods I call it.
- Q Did you find any streams there, any rivers? A No sir, I didn't see any rivers.
- Q No streams of any kind? A No sir, not about the house.
- Q None near there? A Lee's Creek was near there.
- Q How far was Lee's Creek from Judge Brown? A That would be something,--I didn't measure it, I didn't pay no attention to it.
- Q Was it then 5 miles? A Yes sir, it was less than 5 miles, must have been.
- Q About how far, your best judgment? A I don't know, I hate to tell you nothing I can't tell.
- Q Do you positively swear that you saw Lee's Creek when you went up there? A I crossed it.
- Q How far was it from this place of Judge Brown's? A I couldn't tell you I crossed about 3 or 4 miles above Van Buren, and I went one good ways before I got to his house.
- Q You didn't see Lee's Creek within 10 miles of his house? A I couldn't tell you about that.
- Q And you didn't see it when you left there? A Yes sir.
- Q About how far after you left Brown's before you saw it? A I don't recollect about that, I came down to this place you call now, I came down that way but I don't know how far it was.

- Q Your best judgment? A You know a man can't have much judgment about that.
- Q You ought to have some idea about how far it was? A I couldn't say, may be it was 3 or 4 miles, it might have been that, I can't tell.
- Q Now that is as much as you know of that location is it? A Yes sir, for I never paid no attention to it.
- Q Was there any yard fence around Judge Brown's house? A Yes sir.
- Q Any trees in the yard? A I think there was, I am not certain, I paid no attention to it.
- Q You don't know what direction his house faces? A I do not know.
- Q What was Judge Brown's wife's name? A I don't know whether he had a wife.
- Q Did he have one? A I don't know.
- Q Did Judge Brown have any children there? A I don't know as he had any child.
- Q Do you swear he did or didn't? A I couldn't swear that at all.
- Q How did you get up there? A By direction of ~~an~~ other people I went there, this woman taken care of me as I asked her.
- Q Were you related to her? A Not a bit.
- Q You had never seen her before? A No sir.
- Q How did you come from Tennessee to Van Buren? A I come on a boat part of the way.
- Q Where did you get off? A At Van Buren.
- Q Who directed you to Judge Brown's house? A I found that out before I left Tennessee.
- Q And you knew where he lived? A I don't know but I was told how where he lived.
- Q You didn't inquire in Van Buren because you knew when you left Tennessee? A I didn't need to inquire because I was told to hunt somebody out of the town and find such a man by the name of Brown.
- Q What did you hunt Judge Brown for? A To find this woman that they give me the name of.
- Q To whom did she belong to before? A Before when.
- Q Before she belonged to Judge Brown? A I don't know.
- Q How did you get the name of this woman? A The parties that give me the name, they are the ones that told me her name.
- Q Who was it told you that? A The Browns back yonder.
- Q How old was Lucy Brown when you saw her in 1860? A She was a young woman.
- Q About what age? A She might have been 18 may be 20, somewhere along there, I don't just know her age.
- Q Don't you know as a matter of fact Judge Brown came to the Cherokee nation in 1837? A Yes sir.
- Q And that therefore if this woman belonged to Judge Brown at that age, and she was about the age you indicate, that she would have had to have been born in this country? in 1838 and therefore anybody in Tennessee could have known her to direct you to her? A People come back and forward from Tennessee here.
- Q Who was it, give me the name of one person that went back and give you the information of this Lucy Brown? A Elwan Jimon, my father.
- Q Your own father? A Yes sir.
- Q How long had it been since he had been in this country when he went back there and give you this information in 1860? A He was here in 1852 I believe, and he was here again, I don't know whether he was here or not, but he come off in this direction, he was here in 1852.
- Q That was the last time you ever knew of him being here? A I don't know whether he came or not but the trouble is I know he come out this way.

- 4--
- Q So according to your own statement this Lucy was a mere child then? A I expect she was.
- Q Why didn't he direct you to some older person? A Because, he knew this woman.
- Q You have applied for citizenship here, haven't you? A Yes sir.
- Q Applied as a Cherokee by blood, didn't you? A The blood, of course I did.
- Q And you were rejected, weren't you? A Yes sir.
- Q And you applied as a freedman? A Yes sir.
- Q Then you were rejected? A Yes sir.
- Q Did you ever apply in the Chickasaw nation? A No sir.
- Q Ever apply in the Creek nation? A No sir.
- Q And as a freedman to? A Yes sir, and Mr. Needles told you I had a right too, at Fort Gibson, had a right to apply by blood because .
- Q Where did you go from Judge Brown's house? A I told you I came out toward Gray, came across Lee's Creek on down right near about half way from the bridge down to Cherokee Station now.
- Q And you stayed there? A Yes sir, until I went away from here.
- Q How long before you went away? A The next May.
- Q May of 1861? A Yes sir.
- Q Where did you go? A Back to Tennessee.
- Q How did you go? A Any way I could get to go, sometimes on a boat from about Van Buren.
- Q Where did the boat land, where did you get off? A After I got off of it I don't know where it went.
- Q Where did you get off? A At the mouth of the Arkansas River.
- Q You had the means to pay your way? A Yes sir I did.
- Q Had you been doing anything that year? A I made some money.
- Q Well how? A I made it.
- Q Who did you work for? A I didn't work for anybody, I worked there with Vann.
- Q George Vann, just along with him? A Yes sir.
- Q Where did he put you to work? A Sometimes put me to cutting logs.
- Q Who did you cut logs for? A I don't know.
- Q Where did you cut them? A Down on the river between Fort Smith and Cherokee.
- Q Was there a saw mill down there? A No sir.
- Q What did you do with the logs? A They carried them off.
- Q Did you see any Cherokees around there? A No sir.
- Q You never did get acquainted with a Cherokee before the war? A I should think I did.
- Q If you did, who was it? A I was acquainted with several.
- Q Tell me one of their names? A I was acquainted with old man John Brown.
- Q John Brown? A Yes sir.
- Q Was that this Judge Brown? A No sir.
- Q Where did John Brown live? A In Tennessee.
- Q I mean in the Cherokee Nation? A In the Cherokee nation I was acquainted with John Going and Betsy Going.
- Q They were free colored people? A No sir.
- Q They were negroes, colored people? A No sir, I don't think they were, they looked like Cherokees to me.
- Q Where did they live? A Not far off of Lee's Creek.
- Q How far from Judge Brown? A Way back this side.
- Q About how many miles? A May be 5 or 6, I don't know.
- Q You landed at the mouth of the Arkansas River going back to Tennessee? A Yes sir.
- Q Where did you join the army? A At Murfreesboro, Tennessee.
- Q There is where you lived? A No sir.
- Q Where had you been living? A Up further toward Chatanooga than that.

Mr Neal: I don't see the materiality of this questioning, I don't see why it can affect the rights of the applicant one way or the other.

Mr. Hastings: I think ~~materiality~~ the residence of this witness is very material.

On behalf of the Commissioner: Objection noted.

BY MR. HASTINGS:

- Q You said you knew Lucy Brown, did you? A Yes sir.
- Q You never had seen her except these nights? A Yes sir.
- Q Did she have any other children besides Horace at that time?
- A Yes sir.
- Q What were their names? A Hudson, I think was one.
- Q The next one? A Horace.
- Q The next one? A I don't know about that.
- Q Hudson was older than Horace? A Yes sir.
- Q Did she go by the name of Norman, and these children at that time? A She was called Lucy Brown.
- Q How much older was Hudson than Horace? A Looked to be 3 or 4 years older.
- Q Did you swear that you were well acquainted with Lucy Brown?
- A No sir.
- Q Did you sign this affidavit, is that your signature? A Yes sir, that is my signature.
- Q Did you sign an affidavit before H. L. Rogers to reopen this case for this purpose? A I signed an affidavit, I think down yonder, I made my statement without the affidavit. I made the statement there I knew.
- Q Did you sign that affidavit? A If that is the affidavit, I must have signed it.
- Q But you didn't swear that you were well acquainted with her?
- A No sir, I was only there a week that is all I told them.
- Q Did you swear on the 17th day of April, 1905, before H. L. Rogers, a Notary public, that you were well acquainted with Lucy Brown the mother of Horace S. Norman and Irene Cannon? A This was after that time, I didn't get well acquainted with their mother.
- Q Did you swear that Lucy Brown was a slave of Judge James Brown?
- A I don't think I swore that, I know she was there acting as a slave that is all I knew it. That is the way some of my papers got fixed,-----
- Q You think then H. L. Rogers put this up on you? A I don't know, I didn't get well acquainted with her.
- Q You didn't intend to say that? A No sir.
- Q Who got you to make this affidavit? A Mr. Norman.
- Q Was H. L. Rogers there? A Yes sir.
- Q What interest did he have in this case? A None that I know of.
- Q And he came up on the train with you last night? A Yes sir.
- Q Did he come out to get you the other day to bring you here as a witness? A No sir.
- Q When did you see him last before you came up here? A I saw him in Fort Smith.
- Q He talked to you about coming up here as a witness? A Yes sir, I believe he did say something about it, Norman was talking to me about it, we all come together.
- x
- Q Where was this affidavit made signed by H. L. Rogers was it made in Fort Smith, or where? A I reckon they must have drawn it up there and brought it to me.

- Q Where was it made? A I can't tell you.
- Q Was it made in Fort Smith or where? A I don't know.
- Q Don't you know where you signed it? A I think at home? I think I did, I want to be straight about it.
- Q Is Callis West here? A No sir, I don't think he is.
- Q Were you present when Callis West signed this by X mark? A No sir.
- Q He didn't come up here as a witness? A No sir.
- Q Where was Horace when you first saw him after the war? A I don't know where he was living, but I will tell you where I saw him, about where the ferry runs across the river, in the fall of '66.
- Q With whom was he living? A I don't know.
- Q Was he married then? A No sir, he was only a boy.
- Q Who was he living with? A I don't know, I tell you I saw him there.
- Q At whose place did you see him? A I saw him right on the river where the ferry boat runs along.
- Q Just standing out there on the road by himself? A Yes sir, and Mr. Johnson was there, and Isaac was there too.
- Q They were standing out there together? A I met them right there.
- Q When did you see Horace again after that? A I don't know, it was, I saw him very often in passing up on the Cherokee Nation myself.
- Q Where did you ever see him where he was living after the war?
- A Now I don't know as I knew of any place he lived himself because it was sometime before I saw him again.
- Q How long before you saw him? A Now it may have been 10 or 12 or 15 years, I don't know what time it was.
- Q Where did you see him? A I never seen him to live at any place until he lived there at George Vann's, I got him to go there myself.
- Q When was that, during this last payment in 1896 or 1897? A I think it was after the payment.
- Q Then you never saw him from 1866 until after the payment? A Yes sir, I did, I didn't tell you that.
- Q Where did you see him? A I can't tell you where I met him, but the trouble you want to find out his home.
- Q Where did you meet him the next time? A At my house.
- Q Where were you living? A At van Buren, he came there several times to see me.
- Q Where was he married? A I don't know where he was married.
- Q Do you know his wife? A No sir.
- Q Do you know his children? A I know Lee, Harry, Care, ---
- Q You don't know Irene? A Yes sir.
- Q Where was she born? A I don't know that, they have not been living right around me.
- Q Were you ever at Horace Norman's house? A Yes sir.
- Q That has been since the payment in 1897? A I believe so.

BY MR. NEAL:

- Q You say this is your signature to this affidavit? A Yes sir.
- Q Was it read over to you before you signed it? A Yes sir, I think so.

WITNESS EXCUSED.

IGOR JOHNSON, being first duly sworn, testified as follows:

BY MR. NEAL:

Q What is your name? A I am Johnson.

Q How old are you? A I don't really know, I have only what was given me, what George Johnson told me.

Q About how old are you? A About 75 the last I learned from him.

Q How long have you lived in the Territory, in the Cherokee Nation?

A All my life, born and raised in the Cherokee Nation.

Q Were you acquainted with Horace S. Newman? A Yes sir.

Q Did you know his mother before him? A Yes sir.

Q Was she still alive before the war? A To Judge Brown.

Q Was Judge Brown a Cherokee Indian? A I suppose he was a Cherokee Indian, that is what he was said to be.

Q What was Horace Newman's mother's name? A Lucy Brown.

Q Were you well acquainted with her before the war? A Yes sir, I knew her, I was acquainted with her.

Q Where did you get acquainted with her before the war? A The first acquaintance I got of her was up at Judge Brown's own place on Lee's Creek.

Q Was Judge Brown's old original place on Lee's Creek? A Yes sir.

Q Then do you know after that did you ever know her down in the bottom at work? A Yes sir, I saw her.

Mr. Hastings: Objected to as being leading and I move that the same be stricken from the record because it is not shown yet that she was over in the bottom.

On behalf of the Commissioner: Objection noted.

Q How long before the war did you know her? A Some 4 or 5 years.

Q Where did you see her the year before the war, the year the war broke out where was she? A She was at Judge Mackay's.

Q Where in the Territory with reference to Judge Brown's place? A I mean she was at Brown's the first acquaintance I got of her.

Q Right before the war you said she was at Mackay's? A She worked there, I don't know how long, her and several others of them, he had them hired out at the mill works at Mackay's.

Q Is she the mother of Horace Newman? A Yes sir.

Q How long have you known Horace? A All of his life.

Q You know Horace Newman is the child of Lucy Brown, who was the wife of Judge Brown? A Yes sir.

BY MR. NEAL:

Q We are an applicant to be enrolled as a Cherokee freedman? A

Mr. Neal: Objected to because it is incompetent.

On behalf of the Commissioner: Objection noted.

Q Yes sir.

Q Did you have a wife by the name of Matilda? A I did.

Q Was she dead? A Yes sir.

Q How long? A Yes sir.

Q How long? A Yes sir.

Q How long? A Yes sir.

Q How long? A Yes sir.

Q How long? A Yes sir.

Q And the Commission refused you on July 23, 1864, did it not?
A I suppose it is so.
Q And the Secretary of the Interior approved that rejection on September 22, 1864? A Yes sir, I suppose so.
Q How far did you live from Judge Brown's when the war came up?
A I don't know exactly, I lived in the bottom.
Q How far from where he lived? A I can't tell just how far it was, it may have been 25 or 30 miles.
Q Did you ever see Lucy Brown at Judge Brown's place? A Yes sir.
Q How long before the war? A Some 4 or 5 years.
Q Did you ever see Harace Homan there? A I don't recollect, she had some two or three children.
Q You don't remember of seeing him before the war? A There was a couple of boy children there, one of them as well as I recollect the eldest one was some older than this one here.
Q How old was the youngest one? A I reckon at that time as well as I remember some two or three years old.
Q And that was some 4 or 5 years before the war? A Yessir.
Q You never saw them again before the war? A Not until I saw them down in the bottom.
Q That was after the war? A Yes sir.
Q Did you see him any more until after the war? A No sir, for the simple reason George Johnson went off to Boggy Depot.
Q Then you saw him some 4 or 5 years before the war and you never saw him any more until after the war? A Yes sir.
Q How long after the war before you saw him? A It was along, I think, in 1867, if I recollect right.
Q You may be mistaken about it? A I think it was in 1867.
Q Was he married then? A Who was that?
Q This Harace, when you saw him? A I don't know anything about the marriage, I don't recollect nothing about that.
Q Did you see his wife and some children? A I suppose we saw some children, I reckon it was his wife and children.
Q Reputed to be? A Yes sir, claimed to be.
Q And that was in 1867? A Yes sir.
Q Where did you see them? A In the bottom from Fort Smith up in the bottom?
Q They were living in a house there? A Yes sir, in a cabin up near us on the Garrison Creek in the bottom.
Q And that was the first time you saw them after the war? A Yes sir, living in a cabin up there.
Q What was this woman's name he was living with and how many children did they have? A I don't recollect but three.
Q What were their names? A I don't remember that, I wasn't around them a great deal.
Q They were claimed to be his children? A Yes sir.
Q He recognized them? A Yessir.
Q He recognized this woman as his wife? A Yes sir.
Q On whose place was he living? A I don't remember whose place, I think, as well as I recollect, it was on Stealer's place.
Q You are not going back on that statement are you at all? A No sir.
Q You understand it? A I think it was on the Stealer place.
Q Was his eldest child a girl or boy? A I think a boy if I recollect right, I think it was.
Q Were you ever at Judge Brown's place before the war? A Yes sir, I don't recall exactly where.
Q Why I think of a house did he live in? A If I recollect right it was a double log house.

- Q How far from Lee's Creek, about how far? A I don't know, it was a short distance from Lee's Creek.
- Q Wasn't it just between Little Lee's Creek and Big Lee's Creek, and about a quarter of a mile from the creek? A I think that is just about right.
- Q Did you know any other of Judge Brown's slaves? A I know Martha Brown.
- Q Did you know Rebecca Hobson? A Yes sir, a little.
- Q Did you know her as the slave of Judge Brown? A If I recollect right she went by the name of Fields.

BY MR. HEAL:

- Q Let's see, did you understand Mr. Hastings awhile ago, you saw you saw Lucy some 4 or 5 years before the war at Judge Brown's place?
- A Yes sir.
- Q Then it was up where he lived? A Yes sir.
- Q Did you ever see her any more before the war? A No sir, not any more before the war, we had to go away out to Doggy Dog, George Johnson did and I never saw them any more until I came back.
- Q Did you come back before the war or afterwards? A I come back--
- Q You never saw her down at Mackey's at all? A Yes sir, I saw her there at work.
- Q You told Mr. Hastings awhile ago that you never saw her but one time? A I saw her out there with two or three others of Judge Brown's slaves.
- Q Do you remember the names of them? A Martha was one, David and this Lucy.
- Q Was there any more hired out down there? A Yes sir.
- Q Do you remember any of their names? A I am not certain but I think one of them was named Pomp, if I remember right.
- Q Then when you saw this woman Lucy first you say up at Judge Brown's place about 4 or 5 years before the war? A Yes sir.
- Q Then you saw her afterwards at the Salt works? A Yes sir.

BY MR. HASTINGS:

- Q How long before the war, just a few days after you saw her at Judge Brown's? A Yes sir.
- Q Then it was 4 or 5 years before you saw her? A Yes sir.

BY MR. HEAL:

- Q Now you said when you came back you saw Horace Herman in 1867, and that he had a wife and children at that time? A Yes sir.
- Q Then he must have been about grown when the war broke out? A He claimed the family.
- Q How old was Horace at that time? A I don't know, he may have been 17 or 18 years old, he was a young man.
- Q A young man when you came back there after the war? A Yes sir.

ON BEHALF OF THE GOVERNMENT:

- Q You say you saw Horace before the war? A Yes sir, and another brother of his.
- Q And he was the son of Lucy Brown? A Yes sir.
- Q And Lucy Brown belonged to Judge John Brown? A Exactly right.
- Q Was Judge John Brown a Quaker by blood? A I would not say positively because there was other mixtures, he was a Quaker, as far as I understand I couldn't locate him to any other mixture he was.
- Q He was said to be a Quaker? A Yes sir.
- Q Do you know whether he was recognized as a Quaker by blood or not?
- Q He was a Quaker, I know as far as ever I understood.
- Q Is anything he was a Quaker or white man? A As far as I know he was always said to be a Quaker by blood.

ROSANNA KELTON, being first duly sworn, testified as follows:

BY MR. HASTINGS:

Q What is your name? A Rosanna Kelton.

Q What is your age? A 67.

Q What is your post office? A Redland.

Q Are you a Cherokee freedman? A Yes sir.

Q Were you a slave of a Cherokee citizen before the war? A Yes sir.

Q Who owned you? A Judge Brown, Judge Jim Brown raised me.

Q Where did Judge Brown live that owned you? A On Lee's Creek.

Q Sequoyah District? A Yes sir.

Q About how old were you when the war came up? A I guess I was about 23 years old.

Q Did you have a son by the name of Pomp? A Yes sir, my oldest child.

Q To whom did he belong when the war came up? A Judge Brown.

Q Did Judge Brown have a wife? A Yes sir.

Q Were you well acquainted with Judge Brown's slaves? A Yes sir.

Q Did you know them all? A Yes sir, every he owned since I could recollect.

Q About how old were you when the war came up? A I guess I was about 21 years old.

Q Did you ever see this applicant, Horace Norman, here? A No sir, not before the war.

Q Have you ever seen him before this morning? A It seems to me, yes sir, I have seen him before.

Q About when? A At my house two or three days ago.

Q Did he come to your house then? A Yes sir.

Q Talked to you anything about being a witness in this case? A No sir, he didn't say anything to me only he asked me what my given name was. He said he had heard his mother speak of me many times and I asked him who was his mother, and he told me who his mother was.

Mr. Neal: We object to any conversation that took place there.

On behalf of the Commissioner: That is material, that will be heard.

Q He told you who his mother was? A Yes sir.

Q Did you tell him that you knew his mother? A I told him I guess he was mistaken I guess it was some other Brown, I know every thing my old master had.

Q Did he own a woman by the name of Lucy Brown? A No sir, not that I know of.

Q If he had of owned one by that name would you have known it? A Yes sir.

Q How all his slaves? A Yes sir.

Q Did he have this applicant here, Horace Norman, when the war came up? A Not as I know of.

Q If he had of been there would you have know it? A Yes sir, never had anything there but our family.

Q Did you ever know a free colored man in that country around there by the name of Jack Norman? A No sir.

Q How long of a house did Judge Brown live in? A From house.

Q How long of a house did Judge Brown live in? A From house.

Q How far is it from Lee's Creek? A From Lee's Creek about 1/4 of a mile.

Q How far from Lee's Creek? A About two miles, or 1 1/2 miles.

- Q In between the two? A Yes sir, it was always called two miles.
- Q Where was your son Pomp when the war came up? A At home, he taken him off when he went.
- Q He took him with him? A Yes sir, he and my nephew by the name of Louis.
- Q You are the grand mother of Louis T. Brown here in town? A Yes sir.
- Q Were you married when the war come up? A Yes sir,
- Q How many children did you have? A 8.
- Q Name all the slaves of Judge Brown as you remember them? A The oldest one was my mother.
- Q What was her name? A Susie, the next oldest one was Uncle Dave, then my oldest sister, Abby, then Mary Ann, the the next oldest boy Jerry, Isaac, he died, the next oldest boy was brother Bill Brown, and sister Gallie, and sister Martha.
- Q What became of Martha? A She died.
- Q When did Martha die? A A number of years before the war.
- Q About how many years? A I just couldn't tell you.
- Q As much as 10 or 15 years? A Yes sir, about that, I think one of them died when she was about 14, Gallie was about 12 when she died.
- Q Did Judge Brown have any slave by the name of Lucy? A Not as I know of.
- Q Could he have had one by the name of Lucy? A No sir, never heard any by that name.
- Q Was any of them hired out ever at Mackey's salt works? A Not as I know of.
- Q Did he have a woman by any name who had two boys named Horace and one named Hudson? A No sir.
- Q Did he ever have a colored boy named Horace? A No sir.
- Q Was anybody connected with the family named Horace? A None as I know of. I knew all the colored people, it was all one family. When Master Brown and his wife separated they divided the colored people.
- Q They separated in Tennessee? A Yes sir, he left her back there and he taken this woman's mother.
- Q Mrs. Seabolt's mother? A Yes sir, and when she come she come on the water, and when she come she would not live with him, she just moved up here in Illinois district and he ft him down in Sequoyah.
- Q But they never had one by the name of Lucy? A Never as I know of.
- Q And your son Pomp never worked at Mackey's salt works? A No sir.
- Q Then if Isaac Johnson swore that he is mistaken? A Yes sir.
- Q Was there any other Pomp in Judge Brown's family besides your son? A No sir, I never heard of one.
- Q Except your son? A My son was 50 miles from Illinois to our house.
- Q Did Judge Brown own any other slave by the name of Pomp except your son? A None as I know of.
- Q And he never worked at the salt works? A No sir, not as I know of.
- Q Never hired any ever there? A Never hired of his colored people nowhere.
- Q What become of his colored people when the war come up? A Went to Fort Scott, Kansas, and I went with with Arch Fields.
- Q Where did you live then? A About a mile on the other side of Fort Smith.
- Q Where did your mother live? A At old man Brown's.
- Q Were you living there when the war come up? A Yes sir, never lived nowhere else all my days. Never was two days in my life without seeing some of my people until after the war come up.
- Q Did you ever know this man Maxwell H. Hamilton? A No sir.

- Q Did you ever hear of him coming up there? A I never saw him.
- Q Do you know him? A No sir, never saw him before until I saw him on the train yesterday. He don't like to know everybody but I know my people, my old master's folk they and all my colored people, his brother who used to visit at his house, I know them, I was his house girl & now I was 8 years old.
- Q Who was this Fields? A My old master's grown nephew, David Field's son, and this Alley was his mother.
- Q Then you never lived more than a mile away from Judge Brown's from the time you were born his slave until the time you were freed, you never lived over a mile from Judge Brown's? A Never was two or three days without seeing some of my people.
- Q Was your mother living when the war come up? A No sir died the year before the war come up.
- Q Did she die the slave of Judge Brown? A Yes sir, my father died in the time of the war.
- Q Was he the slave of Judge Brown? A He was the slave of Jennie Brown, Judge Brown's wife, she set him free when he was 11.
- Q Did Judge Brown have a farm in connection with this place? A Yes sir had a farm.
- Q Did he have any children himself? A No sir, never as I heard of. He said he never was called father in his life, he raised other people's children, two or three sets of children.
- Q You know Mrs. Seabolt, a witness here? A Yes sir.
- Q Do you know that man out there, Mr. Seabolt? A Yes sir, her son.
- Q He was there at Judge Brown's when the war come up? A Not more than 3/4 of a mile to their house across the creek.

BY MR. NEAL:

- Q You are a Charles freedman regular enrolled? A Yes sir, I am on the 1860 roll, never was disputed in my life.
- Q You say that Judge Brown never hired out any of his slaves? A Yes sir.
- Q You knew all of his slaves around the house there? A Yes sir.
- Q Up until 4 years before the war when you were with Fields? A Yes sir.
- Q After that time you did not know so much about the slaves? A He didn't have any to hire out, you see gave run off and he sold Charley, and he didn't have any but my brother Billy and he was only about 19 years old.
- Q He just had two, you and your brother Billy? A Yes sir, then the young man gave, master give him his freedom when he was a boy. My sister had a son named Louis and Jefferson.
- Q Fields was your owner? A Yes sir, when I went to Fields my old master kept two of my children. After I started he said that it was going to be separated, he said send back and get the girl, and sent back and get the girl, my eldest daughter now, Maria.
- Q You say Judge Brown never did have a woman named Lucy that you knew anything about? A No sir.
- Q You don't mean to say that he didn't have any, just that you don't know anything about? A No sir, none in my house.
- Q You would not swear that he didn't own a woman named Lucy? A I would not swear before my time, I would swear it.
- Q He didn't have any that you knew anything about? A No sir, never had any that he kept at home, never any was at home that he had.
- Q How do you know it? A Because it was all the colored people he had.
- Q How don't mean to say he didn't have any, because I don't think he ever owned any but I don't know.
- Q How don't mean to say he didn't own any, because I don't know.
- Q How don't mean to say that you don't know anything about it.

- Q And therefore you do not know anything about it? A No sir, because I don't think he owned any except what was at home.
- Q Now you say he and his wife separated here or in Tennessee?
- A He left her in Tennessee, and he come to this country, and on his way to this country he married this woman's mother.
- Q Did she come on over here? A She come up here on Lee's Creek.
- Q When she come over here you said they divided the slaves? A Yes sir.
- Q Where did she go? A To Illinois, she died somewhere in Illinois.
- Q How many slaves did she take off with her? A She had 6 or 7.
- Q You don't know anything about the slaves she took with her?
- A Yes sir.
- Q How long before the war was it she and Judge Brown separated?
- A A long time, separated before I was grown, I come here when I was a baby for I got up a good big girl she died, and when she died all of the colored people went back to Tennessee to her grand-daughter.
- Q A part of them went to her husband, didn't they? A No sir, he never got none only what was his, he never got any of her estate.
- Q Now you say when the war broke out you say he had you and your sister and old man Dave? A Yes sir.
- Q He had three grown slaves? A No sir, he had more than three grown slaves, me, mother, Uncle Dave, and my sister, and my sister's daughter was grown, and my sister's other daughter was grown and her son about 18 years old.
- Q Then he had 8 slaves when the war broke out? A He had more than that.
- Q I mean those grown? A My son was about 19 years old.
- Q Do you know Isaac Johnson? A Yes sir.
- Q Did you know him before the war? A No sir, not until the time they were registering.
- Q Never saw him before the war? A No sir, I got acquainted with him, they called me in for a witness and I didn't know him before the war.

BY MR. HASTINGS:

- Q About how long before the war did Judge Jim Brown's first wife from whom he separated in Tennessee die? A Jennie Brown.
- Q Yes? A I couldn't tell you that, I wasn't grown when she died.
- Q You weren't married, you didn't have any children? A No sir, just a girl 10 or 11 years old.
- Q You were 24 when the war come up? A No sir, I wasn't 24 when we went off about 22 when we come back I was 28.
- Q Then you were according to your statement about 10 or 11 years before the war? A Longer than that.
- Q About 15? A I expect it was and longer to, she didn't live so many years, I was no more than a waiting girl on the table.
- Q A good many of her slaves went back to Tennessee? A Yes sir, and they were all my relations.
- Q You knew them all? A Yes sir.
- Q She didn't have any by the name of Lucy? A None that ever I knew of.
- Q Could Judge Jim Brown had a negro woman by the name of Lucy who had two children and lived there at Judge Jim Brown's without your knowing it? A Not before the war, no sir. The only woman that ever I remember married a colored man that belonged to Coady.
- Q You had a child named Isaac and she died? A Yes sir, died when she was 10 years old.

BY MR. HEAL:

- Q Do you know of any of the old slaves Judge Brown had living now?
A I got a sister down here, sister Mary.
Q Where does she live? A Vian.
Q What is her name? A Mary Griggs, she is blind.
Q Do you know any of the others? A No sir, none of them living, yes sir one of them that belonged to the old lady.
Q Then you are the only one of Judge Brown's slaves that belonged to him that is living now? A Yes sir.
Q Then you are the only one of the old slaves that are still living?
A Yes sir, and one of my sister's daughters she is living.
Q How old was she when the war broke out? A About 5 or 6 years old.
Q You were the only one old enough to remember things at the time of the war, that is living now? A Yes sir.

WITNESS EXCUSED.

JOSIAH SEABOLT, being first duly sworn, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A Josiah Seabolt.
Q What is your post office? A Long.
Q District? A Sequoyah.
Q Are you a Cherokee by blood? A Yes sir.
Q What is your mother's name? A Nancy.
Q What is her post office? A Long.
Q Does she live near Uniontown? A Yes sir.
Q Did you know Judge Jim Brown in his life time? A Yes sir.
Q How old were you when the war came up? A I must have been about 9 years old.
Q Were you living with Judge Brown? A No sir, I was living with my mother.
Q How far from Judge Brown's place did your mother live? A It was about a mile.
Q She was a step-daughter of Judge Brown? A Yes sir.
Q Were you acquainted with Judge Brown's slaves? A Yes sir.
Q Did he have a colored woman by the name of Lucy? A If he did I don't recollect any by that name.
Q Did you ever know a free colored man by the name of Jack Norman?
A No sir.
Q Did you ever know this colored applicant here, Horace Norman?
A No sir.
Q Was he a slave of Judge Brown before the war? A Not that I know of.
Q Did Judge Brown have any slaves by the name of Horace? A No sir not that I knew, wasn't any by that name.
Q Did you know them? A Yes sir, I knew them.
Q And he didn't have any by that name? A No sir.
Q What kind of a house did Judge Brown live in? A In a frame house big tall story frame building.
Q Is that house standing yet? A Yes sir.
Q Where is it there? A My mother lives there.
Q Was she lived there since the war? A Yes sir.
Q And she lived within a mile of it before the war? A Yes sir.
Q And Judge Brown was her step-father? A Yes sir.
Q Did you know this colored woman that left the stand? A Yes sir, I have known her all my life.
Q Was she a slave of Judge Brown? A She was, she had been, she was at the time I used to see her there, and then she moved over south of Judge Brown's.
Q About how far? A Something about 1 1/2 miles.
Q With whom? A With Arch Ricks.

- Q Did you know Rosanna's mother? A Yes sir.
Q Did you know her father? A Yes sir.
Q Who were they the slaves of? A Her mother was as near as I recollect the slave of Judge Brown.
Q Did Rosanna have any children when the war came up? A Yes sir.
Q What was some of their names? A A boy named Pompey, one named Jerry, a little girl named Myra.
Q Was there any Horace belonged to any of them, I mean the child of any of them? A No sir, not that I know of, never heard of any named Horace.
Q Did you know all the little boys in the Brown family? A Yes sir.
Q Played with them? A Yes sir.
Q If there had been one named Horace 4 or 5 years old when the war came up would you have known it? A Yes sir.
Q Was there one by the name of Hudson, a brother to Horace? A Never heard of any one by that name.

BY MR. NEAL:

- Q How old did you say you were now? A 51 years old last February.
Q How old were you when the war broke out? A I must have been about 9 years old.
Q You are 51 now, the war broke out in 1861, then you were about 6 or 7 when the war broke out? A I don't just exactly know how old I was when the war broke out, I was born in 1854.
Q You were born in 1854? A Then you were 7 years old when the war broke out? A I expect something about that.
Q How far did you live from Judge Jim Brown's? A About a mile.
Q When you were a boy? A Yes sir.
Q The most of these slaves you got acquainted with them during the war and after the war? A During and after the war some of them.
Q You don't mean to say that you remember the names of all these slaves and the different slaves that were there before the war when you were only 7 years old? A No sir, not all the slaves. He had some before I was born.
Q You don't testify that you knew all the slaves he had? A I don't remember all of them.
Q Then you don't know whether he had a woman named Lucy or not, do you? A No sir, he might have had one before I can remember.
Q How old were you when you remember, 7 years old, do you remember the names of all his slaves at 7? A He might have had some.
Q He seemed to have had some at the outbreak of the war that you were too young to remember, were you, you just remember those old slaves that just helped take care of you and nursed you? A I can name them.
Q You are not willing to testify, of course couldn't testify, being only 7 years old what slaves he had, some of them you knew, some of them you don't. You don't know whether he had one named Jane or not, is not that true, do you mean to tell the Commission that you remember these slaves their names, when you were only 7 years old when the war broke out? A All of them.
Q All of them? A I don't know he might have had some before.
Q Some that you don't remember? A He might have had some and disposed of some of them, that wasn't there when the war came up.
Q Wasn't at the house, around the house? A No sir, might have been somewhere else.
Q Then you don't know and cannot testify can you whether he owned a slave named Lucy or not, you don't know? A No sir, I don't.

BY MR. HASTINGS:

- Q Did he have one named Lucy there at his place when the war came up?
A I never heard of any by that name when the war came up.
Q Did you hear of one of that name? A No sir.
Q Did you ever know by that name? A No sir.

- Q Did you ever know any woman there that had a child named Horace? A
A No sir.
Q Did you know all of his slaves when the war came up? A All that
he had there.
Q And if you were asked about any one of them you could tell whether
he owned that one or not, couldn't you? A Yes sir.
Q While the war was officially declared in 1861, yet it didn't really
run the people out of the country down there until 1862 or 1863
did it? A I don't know just what time it was when it runed the
people out.
Q And your mother was a step-daughter of Judge Brown? A Yes sir.
Q And you were backward and forward nearly every day? A Yes sir.
Q When did you first see this applicant Horace Herman? A To day is
the first time I ever saw him.
Q Was he at Judge Brown's place there before the war as Judge
Brown's slave? A I never did see him, if he was.

BY MR. NEALS:

- Q Suppose this, suppose he was two or three years old before the
war, had been hired out when you were 3 or 4 years old?

We object to this question because it is not the contention of
the party, and the witness for the applicant, named Markwell
H. Houston swore that he saw this boy there with Lucy Brown in
1860, and therefore it is supposing it upon a supposition that
is not borne out by the testimony.

On behalf of the Commissioner: Objection noted.

- Q Answer the question? A What was the question.
Q I asked you if this boy's mother had been there when you were two
or three years old and had afterwards been hired out, would you
remember? A No sir, I don't reckon I would have remembered any-
thing like that. If I was 3 or 4 years old I would know not have
known who was hired out and who wasn't.
Q You were but 7 when the war broke out were you? A About that,
I never just studied out how old I was, I knew when I was born.

W I T N E S S E X C U S E D.

NANCY SEABOLT, being first duly sworn, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A Nancy Seabolt.
Q How old are you? A 78 years old.
Q What is your post office? A Uniontown, Arkansas, I stayed close
to Shakespeare, we don't get our mail there any more.
Q Are you a Cherokee by blood? A Yes sir.
Q Did you know Judge Brown before the war? A Yes sir.
Q I believe you testified in this case at length before, have you
not? A Yes sir.
Q You testified then that you were a step-daughter of Judge Jim
Brown? A Yes sir.

Mr. Neal: I want to object to this witness testifying at
this time because of the fact that she has heretofore been
examined, and this hearing is for the purpose of taking addi-
tional testimony, and not for the purpose of taking original
testimony.

On behalf of the Commissioner: Objection noted.

- Q You have testified before in this case? A Yes sir.
Q And what you testified to were the facts in the case? A Yes sir.

On behalf of the Commissioner: A copy of the testimony taken in this case will be filed with and made a part of the record in case of Irene Cannon et als, Cherokee Freedman D--160.

The Attorneys for the applicants and the Cherokee Nation announce that they have no further testimony to introduce in this case, this case will be closed and a decision prepared upon the evidence heretofore introduced.

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George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 28th day of August, 1905.

Myron D. White

Notary Public.

OK

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Horace S. Norman, et al., as Cherokee Freedmen, consolidating the applications of--

Horace S. Norman, et al., Cherokee Freedmen D-159,
Irene Cannon, et al., Cherokee Freedmen D-160.

DECISION.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Horace S. Norman for himself and his three minor children, Harry, Cairo and Charles Norman, and by Irene Cannon for herself and her minor nephew, Henry Norman.

The evidence herein shows that Horace S. Norman was born prior to the commencement of the rebellion but was not the slave of a Cherokee citizen nor a free colored person residing in the Cherokee Nation at the commencement of the rebellion; that the minor applicants, Harry, Cairo and Charles Norman, were born since 1866 and claim their right to enrollment through their father, the said Horace S. Norman; that the said Irene Cannon was born since 1866 and is a daughter of and claims her right to enrollment through her mother, Lucy Brown, who was not the slave of a Cherokee citizen nor a free colored person residing in the Cherokee Nation at the commencement of the rebellion; that the minor applicant, Henry Norman, is a son of and claims his right to enrollment through his father, Hudson Norman (now deceased). It further appears that the said Hudson Norman was born prior to the commencement of the rebellion but was not the slave of a Cherokee citizen nor a free colored person residing in the Cherokee Nation at the commencement of the rebellion.

It further appears that the names of none of the applicants herein appear on the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Horace S. Norman, Harry Norman, Cairo Norman, Charles Norman, Irene Cannon and Henry Norman as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

[Signature]

Commissioner.

C. R. Beasly

Commissioner.

W. E. Stacey

Commissioner.

Muskogee, Indian Territory,

MAR 5 1904

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

AGME

In the matter of the application for the enrollment of
Horace S. Norman, et al., as Cherokee Freedmen, consolidating the
applications of:

Horace S. Norman, et al.,
Irene Cannon, et al.;

Cherokee Freedman D 159,
Cherokee Freedman D 160.

DECISION.

THE RECORD IN THIS CASE SHOWS: That applications for
enrollment as Cherokee Freedmen were made to the Commission to
the Five Civilized Tribes, by Horace S. Norman for himself and
three minor children, Harry, Caire and Charles Norman; and by
Irene Cannon for herself and minor nephew, Henry Norman.

The record further shows that on March 5, 1904, the said
Commission rendered its decision herein denying said applicants
the right to enrollment as Cherokee freedmen, and that the pro-
ceedings had in said case were duly forwarded to the Department,
May 19, 1904, on June 8, 1904 (Departmental letter I.T.D. 4352-
1904), said Commission was directed by the Department to notify
the attorney for the Nation and the claimants that they could sub-
mit arguments in the matter, and on October 1, 1904, the argu-
ment of the attorney for the Cherokee Nation was forwarded to the
Department; and that thereafter, on October 27, 1904 (I.T.D.
4352-1904), the Department affirmed the decision of the Commission.

in the following words, to-wit: "The Department finds the evidence insufficient to warrant the enrollment of these applicants, and accordingly hereby affirms your decision."

The record further shows that on August 2, 1905 (I.T.D 4303-1904, 5420-1905), on motion of the applicants for a rehearing, the Department reaffirmed its said decision of October 2, 1904, and remanded this case for a rehearing; and that further proceedings in the matter of said applications were had on August 24, 1905, at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant Horace S. Norman claims the right to enrollment as a Cherokee freedman by virtue of his compliance with the treaty stipulations of 1866, that his children, minor applicants herein, claim the same right as his descendants; and that the applicants Irene Cannon and Henry Norman claim as descendants of one Lucy Brown, deceased, and one Hudson Norman, deceased, both of whom, it is alleged, complied with the said treaty stipulations of 1866.

In view of the proceedings had in this case prior to August 2, 1905 (date remanded), it is deemed that in order to properly adjudicate said applicants' rights to enrollment as Cherokee freedmen it is necessary to consider the testimony only of those witnesses introduced subsequent to said last above mentioned date.

HARVEY H. HOUSTON, in behalf of applicants, appeared before the Commissioner to the Five Civilized Tribes on August 24, 1905, at Muskogee, Indian Territory, and testified as follows: I was 71 years old the twenty-first day of this last June. My postoffice is Holland, Indian Territory. I have known Horace S. Norman a good many years. Also know his mother, Lucy Brown. I became acquainted with her about 1860, and I suppose she belonged to Jim Brown as she was at work there when I came from Tennessee to Judge Brown's place in 1860. I never saw Lucy Brown afterwards. I saw Horace Norman; he was a child when the war broke out, and I saw him again in 1866, and I have seen him off and on since. I think it was in May, 1860, that I went to Judge Jim Brown's, he was then living "up on Lee's Creek" and I think "he lived in a hewed-log house". I don't know how many rooms there were in the house. "I went there to keep out of sight" and "I stayed around there at nights for a week, but in the day time I went to the woods". I did not get acquainted with Judge Brown, "just seen him, he was hinder walking sideways, they said that was the old boss". When I saw Horace Norman he was a baby, somewhere between six months and two years old. I don't know what direction Judge Brown's house faced, don't know whether they got their water from a well or a spring, don't know how much of a farm he had, and don't know whether it was a cattle farm or not. I saw some other colored people around, but don't know whether Judge Brown owned any slaves other than Lucy or not. I slept in a cabin while there.

but do not know in what direction it was from the main house. Lee's Creek was near there, but I don't know how far, as I never measured it--think it was less than five miles distant. There was a yard around Judge Brown's house, but I do not know whether there were any trees in the yard or not. I do not know whether or not Judge Brown had a wife or any children. I have made application for enrollment as a Cherokee by blood and also as a Cherokee freedman, but was rejected in each instance. I think Lucy Brown had two children when I saw her in 1860, Hudson and Horace, Hudson looked to be three or four years older than Horace. I signed an affidavit in this case (See motion to reopen) but did not state therein that I was well acquainted with Lucy Brown. I reckon the affidavit was drawn up at Fort Smith. It was brought to me to sign. I think it was read over to me before I signed.

ISOM JOHNSON, in behalf of applicants, same date and place, testified as follows: I am about 76 years old, was born and reared in the Cherokee nation and have lived here all my life. I have known Horace Norman all his life. Also knew his mother, Lucy Brown. I met her about four or five years before the war commenced. She was the slave of Judge Brown who lived on Lee's Creek. At that time Lucy had two or three children, there was a boy some older than this applicant, and Horace at that time was about two or three years old. I next saw this family along about 1867. They were living down in the bottom up there near Fort Smith. Horace was then living with a woman reputed to be his wife, and as I remember it, they had three children. Their eldest child was a boy. Judge Brown lived in a double log house, if I remember correctly, a short distance from Lee's Creek. I think Horace Norman was about seventeen or eighteen years old when I saw him in 1867.

ROSANNA MELTON, in behalf of Cherokee Nation, same date and place, testified as follows: I am 67 years old, and my post-office is Garland. I was a slave of Judge Jim Brown, a Cherokee citizen who lived on Lee's Creek, Sequoyah District, before the war. I was about twenty-two years old when the war came up, and was well acquainted with Judge Brown's slaves at that time. I never saw the applicant, Horace S. Norman before the war. I first saw him two or three days ago when he came to my house and said he had heard his mother speak of me many times; I asked him who was his mother, and he told me. I told him I guessed he was mistaken, it was some other woman. I know everything my old master had. Judge Brown did not own a slave named Lucy, nor one named Horace, nor one named Hudson, at the commencement of the rebellion, and as far as I know he never owned any slave by that name, except one of my children who was named Lucinda, and who died before the war. She was a small child. I never heard of a free colored man named Jack Norman living in the neighborhood of Judge Brown's prior to the war. (It is alleged that one

Jack Korman, a free colored man, and who was living in the Cherokee country at the commencement of the rebellion, was the father of Harass and Hudson Korman). Judge Brown lived in a two-story frame house, situated about three-quarters of a mile from "Little Lee's Creek", and about two miles from "Big Lee's Creek". I was married and had five children when the war began. I had one son named Pomp, but he never worked at Mackey's salt works, and Isaac Johnson is mistaken when he testified that he did. Judge Brown had no other slave named Pomp. I never saw nor heard of the witness Maxwell H. Houston, till I met him on the train yesterday. I never lived more than a mile from Judge Brown from the time I was born till I was freed. I am on the '80 roll, and the final roll of the Commission, as a Cherokee Freedman.

JOSIAH BRADLEY, in behalf of the Cherokee Nation, same date and place, testified as follows: I was born in 1804, as a Cherokee by blood, and my grandfather is Long. I knew Judge Brown in his lifetime. He was my mother's stepfather. I was acquainted with Judge Brown's slaves at the commencement of the rebellion, but do not recollect that he ever owned one named Lucy, Harass or Hudson. I never heard of a free colored man by the name of Jack Korman. I know all of the colored boys in the Brown family, and often played with them. Judge Brown may have owned slaves as above named before the war came up, but at the commencement of the rebellion there were none living on the home place by those names.

MARY BRADLEY was called in behalf of Cherokee Nation, but was asked only a few preliminary questions, which disclosed the fact that she had testified in this case before (April 30, 1901), and had nothing further to add to her former testimony.

CASE CLOSED.

None of the applicants herein nor any ancestor through whom by any possibility they might obtain rights to Cherokee citizenship, can be identified on any roll of the Cherokee Nation in the possession of this office.

In re witnesses introduced in this case: The records of this office show that on April 30, 1904, the Commission to the Five Civilized Tribes denied Maxwell Houston and Rachel Harter the right to enrollment, on the ground that they were neither the slaves of Cherokee citizens nor free colored persons residing in the Cherokee country at the commencement of the rebellion, and on May 13, 1904, and October 1, 1904, its findings were affirmed.

by the Department; that on July 20, 1903, March 11, 1904, and June 25, 1905, the said Commission denied George W. Vann, John McDonald and Eliza Robinson, the right to enrollment, on the ground that they were not the slaves of Cherokee citizens nor free colored persons residing in the Cherokee country at the commencement of the rebellion, the proceedings in said cases being forwarded to the Department, where they are now pending, except those in re John McDonald, which have been remanded for further testimony; and that on July 25, 1904, the said Commission denied Isaac Johnson the right to enrollment on the ground that he did not return to the Cherokee Nation, after the rebellion, within the time specified in the Whitefire decree, and on September 22, 1904, its finding was affirmed by the Department. No application has been made for the enrollment of Green Bean as a Cherokee citizen. Rosanna Nelson is on the 1866 roll, and is included in a partial roll of Cherokee Freedmen duly approved, opposite No. 1448, and Nancy and Josiah Seabolt are included in a partial roll of Cherokees by blood duly approved, opposite Numbers 2221 and 22923, respectively.

FINDINGS OF FACT AND CONCLUSION: It is considered that, after ample opportunity having been afforded, the applicants herein have failed to show by satisfactory evidence that they possess any rights to enrollment as Cherokee Freedmen, consequently, the applications for their enrollment came within the rulings of the Department in the cases of Eliza Bryant, et al. (I.T.D. 844-04), William Dexter (I.T.D. 1422-04), Minnie Duncan, et al. (I.T.D. 1476-04), Samantha Chambers (I.T.D. 2206-04), Ed Williams, (I.T.D. 4230-04), and Moses Ross (I.T.D. 6054-04).

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 25, 1896 (30 Stat., 495), Norman S. Norman, Harry Norman, Gairo Norman, Charles Norman, Irene Cannon and Henry Norman, are not entitled to enrollment as Cherokee Freedmen, and their applications for enrollment as such are accordingly denied.



COMMISSIONER

Dated at Muskogee, Indian Territory,

this OCT 31 1905

Cherokee Freedmen
D-159.

Muskogee, Indian Territory, March 24, 1904.

Horace S. Norman,

Fort Gibson, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting, among others, your application for the enrollment of yourself and your three minor children, Harry, Cairo and Charles Norman, as Cherokee freedmen. Your attorney, A. S. McRea, Muskogee, Indian Territory, has heretofore been furnished with a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Register

Enc. D-77

Commissioner in Charge.

COPY:

Cherokee Freedmen
D-159,

Muskogee, Indian Territory, March 24, 1904.

A. S. McRea,

Representing J. F. Paulds,

Attorney for Horace S. Norman et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting the application of Horace S. Norman for the enrollment of himself and his three minor children, Harry, Cairo and Charles Norman, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

I. B. Needles.

Register

Enc. D-78

Commissioner in Charge.

OPY.

Cherokee Freedmen
D-160.

Muskogee, Indian Territory, March 24, 1904.

Irene Cannon,

Fort Gibson, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the consolidated case of Horace S. Norman et al., together with a copy of the Commission's decision, dated March 5, 1904, rejecting, among others, your application for the enrollment of yourself and minor nephew, Henry Norman, as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles

Register

Enc. D-79

Commissioner in Charge.

Cherokee Freedmen
D-189 et al.

Muskogee, Indian Territory, March 24, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Horace S. Norman et al., rejecting the applications for the enrollment of Horace S., Harry, Cadre and Charles Norman, Irene Cannon and Henry Norman as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Enc. D-80

Commissioner in Charge.

Cherokee Freedmen
D-189 et al.

Muskogee, Indian Territory, March 24, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a copy of the record of proceedings had in the consolidated case of Horace S. Norman et al., including the Commission's decision, dated March 5, 1904, rejecting the applications for the enrollment of Horace S., Harry, Cairo and Charles Norman, Irene Cannon and Henry Norman as Cherokee freedmen.

Respectfully,

T. B. Needles

Through the
The Commissioner of Indian Affairs. Commissioner in Charge.

Enc. D-81.

Refer in reply to the following:

Land 20835-1904

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, May 27, 1904.

The Honorable,

The secretary of the Interior.

Sir:

I have the honor to enclose, herewith, a report from the Commission to the Five Civilized Tribes dated March 24, 1904, transmitting the record of the application of Horace S. Norman for the enrollment of himself and his three minor children Harry, Carrie and Charles Norman and by Irene Cannon for herself and her minor nephew, Henry Norman, as Cherokee freedmen.

On March 5, 1904, the commission found that the applicants were not entitled to enrollment as Cherokee freedmen.

The decision of the commission does not appear to be warranted by the evidence. The evidence shows that the applicant Horace S. Norman was the slave of a Cherokee citizen at the commencement of the war of the Rebellion and that the other claimants are the descendants of a slave of a Cherokee citizen. That all of the claimants or their slave ancestors were living in the Cherokee Nation on February 11, 1867, and have never established a residence outside of that Nation but have continued to reside therein all their lives.

The witness, Baker, swears that the claimants' ancestor,

Lucy Brown, was a slave and the witness, Vann, swears that she was the slave of Judge Brown, a Cherokee citizen.

Per contra the witness Seabolt swears that she knew all of the older slaves of Judge James Brown and that he did not have a slave named Lucy Brown at the beginning of the war and witness did not know a slave woman named Lucy Norman but that Mrs. Brown might have had a slave named Lucy Brown. The testimony of the witness Seabolt is the only testimony offered to show that the claimants are not the descendants of the slave of a Cherokee citizen as testified to by the claimant Herace B. Norman and the witnesses Baker and Vann. In fact there is no testimony tending to show that these claimants are not descendants of the slave of a Cherokee citizen but, it is shown by at least two witnesses that they are.

In view of the record and the testimony it is recommended that the action of the Commission be not approved and that the names of all of the claimants be enrolled as Cherokee freedmen.

Very respectfully,

A.C. Fenner,

Acting Commissioner.

XXX

D. C. 19431-1904
I.T.D. 4382-1904.
L R S

(C O P Y)

W.C.F.
J.)P.
FHE

DEPARTMENT OF THE INTERIOR,
WASHINGTON,

June 8, 1904.

Commission to the Five Civilized Tribes.

Muskogee, Indian Territory.

Gentlemen:

March 24, 1904, you transmitted the record in the matter of the application of Horace S. Norman (F.D. 159-160), for the enrollment of himself and his three minor children, Harry, Cairo and Charles Norman, and of Irene Cannon for the enrollment of herself and her minor nephew, Henry Norman, as Cherokee freedmen, including your decision of March 5, 1904, rejecting the applicants.

Reporting May 27, 1904, the Acting Commissioner of Indian Affairs, recommends that your decision be reversed, and that the names of all the applicants be enrolled as Cherokee freedmen. A copy of his letter is inclosed.

You will notify the applicants and the attorney for the Cherokee Nation of the recommendation of the Acting Commissioner, and allow said attorney thirty days within which to file any arguments he may desire, and the applicants ten days within which to answer same.

Respectfully,

(Signed) E. A. Hitchcock,
Secretary.

1 inclosure

Cherokee Freedmen
No. 156.

Muskogee, Indian Territory, June 23, 1904.

Horace S. Norman,
Fort Gibson, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of yourself, et al., as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of June 8, enclosing a copy of Commissioner of Indian Affairs' letter of May 27, which letter recommends that the Commission's decision rejecting your application be reversed and that yourself and family be enrolled as Cherokee freedmen.

In accordance with the Department's instructions the attorney for the Cherokee Nation has this day been advised that he will be allowed thirty days from date hereof within which to file with the Commission for transmission to the Secretary of the Interior any arguments he may desire to submit in this case, a copy of which argument he will be required to furnish you. You are advised that you will be allowed ten days additional within which to file with the Commission for transmission to the Secretary a reply to said argument.

For your information there is herewith inclosed a copy of the Department's letter above mentioned.

Respectfully,

Encl. 1-20.

Commissioner in Charge

Cherokee Freedmen

3 189, et al.

Muskogee, Indian Territory, June 23, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Harass S. Norman, et al., for enrollment as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of June 8, inclosing a copy of Commissioner of Indian Affairs' letter of May 27, which letter recommends that the Commission's decision rejecting said applications be reversed and that the applicants be enrolled as Cherokee freedmen.

In accordance with the Department's instructions you are hereby advised that you will be allowed thirty days from date hereof within which to file with the Commission for transmission to the Secretary of the Interior any argument you may desire to submit in this case, a copy of which argument you will be required to furnish the principal applicants.

For your information there is herewith inclosed a copy of the Department's letter above mentioned.

Respectfully,

Encl. 4-53

Commissioner in Charge.

Cherokee Freedmen
D 189.

Muskegee, Indian Territory, June 23, 1904.

A. S. Moran,

Attorney for Horace S. Norman, et al.,

Muskegee, Indian Territory.

Dear Sir:

In the matter of the application of Horace S. Norman, et al., for enrollment as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of June 8, inclosing a copy of Commissioner of Indian Affairs' letter of May 27, which letter recommends that the Commission's decision rejecting said application be reversed and that the applicants be enrolled as Cherokee freedmen.

In accordance with the Department's instructions the attorney for the Cherokee Nation has this day been advised that he will be allowed thirty days from date hereof within which to file with the Commission for transmission to the Secretary of the Interior any arguments he may desire to submit in this case, a copy of which argument he will be required to furnish the principal applicant. The applicant has this day been advised that he will be allowed ten days additional within which to file with the Commission for transmission to the Secretary a reply to said argument.

For your information there is herewith inclosed a copy of the

-2-

Department's letter above mentioned.

Respectfully,

Encl. V-52

Commissioner in Charge.

COPY

Cherokee Freedmen
D-159, D-160.

Muskogee, Indian Territory, October 1, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of June 8, 1904, (I.T.D. 4352-1904), there is herewith transmitted argument of the attorney for the Cherokee Nation, in the consolidated case of Horace S. Norman, et al., (Cherokee Freedmen D-159 et al.). No reply in behalf of the applicants has been filed with the Commission.

Respectfully,

SIGNED: *Tarns Blaby*
Chairman.

Encl. 3-19

Through the
Commissioner of Indian Affairs.

D. C. 41876-1904
I. P. D. 4382-1904

(C O P Y)

J. P.
F. H.
L. R. S.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

October 27, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

May 27, 1904, the Indian Office recommended that your decision in the Cherokee freedman case of Horace S. Norman and his minor children, Harry, Cairo and Charles Norman; Irene Cannon and her nephew Henry Norman, be not approved. June 8, 1904, you were directed to notify the attorney for the Nation and the claimants that they could submit arguments in the matter, and on October 1, 1904, you transmitted the argument of the attorney for the nation.

You found that the applicants were not the slaves, or the descendants of slaves of Cherokee citizens, or free colored persons, residing in the Cherokee Nation at the commencement of the rebellion.

The Acting Commissioner of Indian Affairs found the applicants entitled to enrollment. He refers particularly to the testimony of Rachael Baker and George W. Vann.

Rachael Baker is shown to have known little or nothing relative to whether the principal applicant was a slave of a Cherokee citizen. In her own case the Indian Office recommended, September 17, 1904, that ~~your~~ decision rejecting her application be affirmed.

George W. Vann asserts that the principal applicant belonged to Judge Brown, a Cherokee citizen, but he states little else of importance than that naked assertion.

October 16, 1904, the Indian Office recommended the affirmation of your decision adverse to him in his case, of course having found his testimony unreliable.

The testimony for the Nation--that of the step-daughter of Judge Brown, who was well acquainted with Brown's slaves-- shows that he did not own a slave by the name of Lucy, alleged to be the mother of the principal applicant Horace S. Norman and of the father of Henry Norman.

The Department finds the evidence insufficient to warrant the enrollment of these applicants, and accordingly hereby affirmed your decision.

Respectfully,

(Signed) B. A. Hitchcock
Secretary.

COB

Cherokee Freedmen

D-159.

Muskogee, Indian Territory, November 8, 1904.

Horace S. Norman,

Fort Gibson, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting, among others, the application for the enrollment of yourself and your minor children, Harry, Cairo and Charles Norman, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 27, 1904.

Respectfully,

(SIGNED) *Laine Bixby.*
Chairman.

COPY.

Cherokee Freedmen

D-189.

Muskogee, Indian Territory, November 8, 1904.

A. S. McRea,

Attorney for Horace S. Norman, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting, among others, the application for the enrollment of Horace S., Harry, Gairo and Charles Norman as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 27, 1904.

Respectfully,

SIGNED: *Tame Bixby.*
Chairman.

COPY.

Cherokee Freedmen

D-159 D-160

Muskogee, Indian Territory, November 8, 1904.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting the applications for the enrollment of Horace S., Harry, Cairo, Charles and Henry Norman and Irene Cannon as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 27, 1904.

Respectfully,

SIGNED, *James Bixby*
Chairman.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON. DECEMBER 14, 1904.

Refer in reply
to the following:

Land.

76115-1904

85779-1904

The Honorable,

Secretary of the Interior.

Sir:

Referring to Department letter of October 27, 1904,
(I. T. B. 4382, 10152-1904), there is enclosed a communication
from George P. Fogle, Attorney at Law, of Vinita, Indian Territory,
dated December 5, 1904, transmitting motion for reconsideration of
Departmental decision referred to rejecting the applications of
Horace S. Norman et al., for enrollment as Cherokee Freedmen. The
motion shows service of a copy thereof on the attorneys for the
Nation and the record is enclosed.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

GAW-E

(C O P Y)

DEPARTMENT OF THE INTERIOR,

Y. P.
FHE

D. C. 48624-1904.
I. T. D. 4382-1904,
12596- "

WASHINGTON. DECEMBER 19, 1904.

LRS

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

December 14, 1904, the Acting Commissioner of Indian Affairs transmitted a motion for rehearing in the Cherokee freedman case of Horace S. Norman, et al. This motion is made by the attorney for the applicants, and is not supported by the affidavits of the principal applicants and others. It does not allege specifically any errors in the decision of the Department of October 27, 1904, and the Department finds nothing in the motion warranting a rehearing.

Furthermore, it does not appear that said attorney, G. P. Fogel, has been admitted to practice before the Department.

The motion is denied and you will so advise the parties in interest, and also that the argument by the attorneys for the Cherokee Nation was submitted, showing service by letter of August 24, 1904, registered at Vinita, and sent to the principal applicant at Bengo, I. T.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

I inclosure.

36507

OFFICE OF
Indian Affairs
Rec. APR 21

1905

Special Agent in Charge
Washington
Cherokee
Fredman case
Cherokee

210
AUG 11 1905

1/10

Department of the Interior.
RECEIVED.
AUG 11 1905
File No. 4 of 5629
Indian Territory

YEM W NEAL

JOHN LONDON

NEAL & LONDON.

Attorneys at Law
FORT SMITH, ARK.

April 18, 1905.

Hon. Commissioner of Indian Affairs,
Washington, D. C.

Dear Sir:-

Enclosed please find petition to reopen the case of
Horace W. Norman et al., applicants for enrollment as Cherokee
Freedmen, together with register receipt and affidavit showing
service on the Attorneys for the Cherokee Nation.

Very respectfully,

Neal & London

Department of the Interior.
RECEIVED.
MAY 10 1905
Enc. No. 3 of No. 5620
Indian Territory Division.

30807
Indian Office,
Incl. No. /
1905

TOM W NEAL

JOHN LONDON

NEAL & LONDON

Attorneys at Law
FORT SMITH, ARK.

April 18, 1905.

I, Mary Sorenson, annex stenographer for the firm of
Neal & London, on my oath state that I have this day mailed
by register letter, a copy of the enclosed papers to Messrs.
Bell, Hastings & Davenport, attorneys for the Cherokee Nation.

Mary Sorenson

Subscribed and sworn to before me on this the 18 day
of April, 1905.

H. B. Shinn
Notary public.

My commission expires on the 27 day of May, 1905.

37605

DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C.

Department of the Interior.
RECEIVED.
MAY 16 1905
Enc. No. 1 of No. 5640
Indian Territory Division.

REFER IN REPLY TO THE FOLLOWING:

Land.
20535-1904.
30807-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. May 15, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of December 19, 1904 (I.T.D.4382 and 12598-1904), there is enclosed a communication from Messrs. Neal and London of Ft. Smith, Arkansas, dated April 18, 1905, transmitting a petition and affidavits in support thereof for reopening the Cherokee Freedman enrollment case of Horace S. Norman et. al., together with proof of service of a copy thereof on the attorneys for the Cherokee Na-

The record is also enclosed.

Very respectfully,

G. F. Larrabee

Acting Commissioner.

M. M. M.
W.

I.T.D. 4382-1904
5620-1905

(C O P Y

FHE

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.P.

L.R.S.

August 2, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Department has considered a motion for rehearing in the Cherokee freedman case of Horace S. Norman, et al., consolidated with the case of Irene Cannon, et al., the applications for the enrollment of such applicants having been rejected by the Department October 27, 1904, the decision of the Commission to the Five Civilized Tribes in the case having been affirmed. With the motion are affidavits by parties who state positively that the person through whom the applicants claim was a slave of a Cherokee citizen, which the testimony in the case failed to show.

A rehearing is deemed advisable. The decision of the Department of October 27, 1904, is hereby rescinded, and all the papers in the case are inclosed in order that the rehearing may be had.

Respectfully,

(Signed) Thos. Ryan

Acting Secretary

9 inclosures.

Cherokee Freedmen

COPY

D-159-160.

Muskogee, Indian Territory, August 11, 1905.

Horace S. Norman,
Fort Gibson, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of yourself, et al., F. D. 159, consolidated with the application for the enrollment of Irene Cannon, et al., F. D. 160, you are advised that this office is in receipt of Departmental letter of August 2 (I.T.D. 5620-1905), in which the decision of the Department of October 27, 1904, affirming the decision of the Commission to the Five Civilized Tribes of March 5, 1904, rejecting the applicants embraced in said case, is rescinded, and a rehearing ordered.

You are, therefore, hereby directed to appear before this office at nine o'clock A. M. on Thursday, August 24, 1905, and introduce further testimony in this case. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it desires in this case.

Respectfully,

Register

RECORDED

W. M. O'Beall
Acting Commissioner.

Cherokee Freedmen

D-159-160.

Muskogee, Indian Territory, August 11, 1905.

Horace B. Norman,
Fort Gibson, Indian Territory.

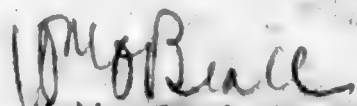
Dear Sir:

In the matter of the application for the enrollment of yourself, et al., F. D. 159, consolidated with the application for the enrollment of Irene Cannon, et al., F. D. 160, you are advised that this office is in receipt of Departmental letter of August 2 (I.T.D. 5620-1905), in which the decision of the Department of October 27, 1904, affirming the decision of the Commission to the Five Civilized Tribes of March 5, 1904, rejecting the applicants embraced in said case, is rescinded, and a rehearing ordered.

You are, therefore, hereby directed to appear before this office at nine o'clock A. M. on Thursday, August 24, 1905, and introduce further testimony in this case. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it desires in this case.

Respectfully,

(SIGNED BY


Acting Commissioner.

Register

Cherokee Freedmen

D-159-160.

COPY.

Muskogee, Indian Territory, August 14, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

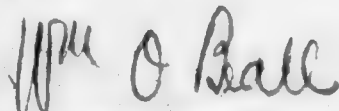
In the matter of the application for the enrollment of Horace H. Norman, et al., F. D. 159, consolidated with the application for the enrollment of Irene Cannon, et al., F. D. 160, you are advised that this office is in receipt of Departmental letter of August 2 (I.T.D. 5620-1905), in which the decision of the Department of October 27, 1904, affirming the decision of the Commission to the Five Civilized Tribes of March 5, 1904, rejecting the applicants embraced in said case, is rescinded and a rehearing ordered.

You are, therefore, hereby notified that the applicants have this day been notified to appear before this office at nine o'clock A. M. on Thursday, August 24, 1905, and introduce further testimony in this case. You are advised the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it desires in this case.

For your information there is inclosed herewith copy
of Departmental letter referred to.

Respectfully,

SIGNED



Acting Commissioner.

LS

Incl. 8-12

Cherokee Freedmen

D-159-160.

COPY.

Muskogee, Indian Territory, August 14, 1905.

Neal & London,

Attorneys for Horace S. Norman, et al.,

Fort Smith, Arkansas.

Gentlemen:

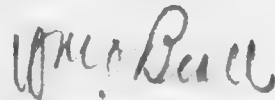
In the matter of the application for the enrollment of Horace S. Norman, et al., F. D. 159, consolidated with the application for the enrollment of Irene Cannon, et al., F. D. 160, you are advised that this office is in receipt of Departmental letter of August 2 (I.T.D. 5620-1905), in which the decision of the Department of October 27, 1904, affirming the decision of the Commission to the Five Civilized Tribes of March 6, 1904, rejecting the applicants embraced in said case, is rescinded and a rehearing ordered.

You are, therefore, hereby notified that the applicants have this day been notified to appear before this office at nine o'clock A. M. on Thursday, August 24, 1905, and introduce further testimony in this case. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

For your information there is inclosed herewith copy
of Departmental letter referred to.

Respectfully,

(SIGNED)



Acting Commissioner.

Is

Incl. S-13.

Cherokee Freedman
D 159

1000
COPY.

Muskogee, Indian Territory, August 29, 1905

Bell, Hastings and Davenport,
Attorneys for Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of supplemental testimony of August 24, 1905, in the matter of the application for the enrollment of Morace S. Norman and others, as Cherokee Freedmen.

Respectfully,

(SIGNED):

Tame Bixby.

Commissioner

Incl. B 65
L M B

Cherokee Freedman
D 159-D 160

COPY.

Muskogee, Indian Territory, August 30, 1905

Neal and London,

Attorneys for Horace S. Norman et al.,

Fort Smith, Arkansas.

Gentlemen:

There is inclosed herewith a copy of supplement-
al testimony of August 24, 1905, taken in the matter of the
applications for the enrollment as Cherokee freedmen of
Horace S. Norman et al., Cherokee Freedman D 159, and Irene
Cannon, et al., Cherokee Freedman D 160. In compliance
with your verbal request there is also inclosed copy of the
testimony of Nancy Ann Seabolt taken on April 29, 1901, in
these cases. You will please sign and return the inclosed
receipt for this testimony.

You will be allowed fifteen days from date hereof
within which to file with this office a brief on behalf of
applicants in these cases.

Respectfully,

SIGNED.

Jame Dixby

Commissioner

Incl. 2 ss
LMB

COPY.

Cherokee Freedmen

D-159.

Muskogee, Indian Territory, October 31, 1905.

Horace S. Norman,

Chelsea, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 31, 1905, rejecting, among others, your application for the enrollment of yourself and children, Harry, Cairo and Charles Norman, as Cherokee freedmen. Your attorneys, Neal & London, Fort Smith, Arkansas, have heretofore been furnished with a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

Incl. 8-1
Register

RECEIVED

Tame Bixby.
Commissioner.

Cherokee Freedmen

COPY.

D-159, et al.

Muskogee, Indian Territory, October 31, 1905.

Neal & London,

Attorneys for Horace S. Norman, et al.,

Fort Smith, Arkansas.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 31, 1905, rejecting the applications for the enrollment of Horace S. Norman, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

SIGNED:

Tame Bibby.

Commissioner.

Incl. 8-3
Register

COPY.

Cherokee Freedmen

D-159, et al.

Muskogee, Indian Territory, October 31, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 31, 1905, rejecting the applications for the enrollment of Horace S. Norman, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

(SIGNED).

Tame Dixby.
Commissioner.

Incl. S-4

COPY.

Muskogee, Indian Territory, October 31, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the consolidated applications for the enrollment of Horace S. Norman, et al., as Cherokee freedmen, including the Commissioner's decision dated October 31, 1905, rejecting the applications for the enrollment of Horace S., Harry, Cairo and Charles Norman, Irene Cannon and Henry Norman, as Cherokee freedmen.

On August 2, 1905 (I.T.D. 4382-1904, 5620-1905), this case was remanded to this office for rehearing and readjudication.

Respectfully,

SIGNED:

James Bixby
Commissioner.

Incl. 3-5

Through the
Commissioner of Indian Affairs.

Cherokee Freedmen

COPY.

D-159.

Muskogee, Indian Territory, October 31, 1905.

Horace S. Norman,

Chelsea, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 31, 1905, rejecting, among others, your application for the enrollment of yourself and children, Harry, Cairo and Charles Norman, as Cherokee freedmen. Your attorneys, Neal & London, Fort Smith, Arkansas, have heretofore been furnished with a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

(SIGNED).

Tams Blaby

Commissioner.

Incl. 3-1
Register

Cherokee Freedmen

COPY.

D-159, et al.

Muskogee, Indian Territory, October 31, 1905.

Neal & London,

Attorneys for Horace S. Norman, et al.,

Fort Smith, Arkansas.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 31, 1905, rejecting the applications for the enrollment of Horace S. Norman, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

[SIGNED]

James Bibby.
Commissioner.

Incl. 5-3
Register

Cherokee Freedmen

COPY.

D-159, et al.

Muskogee, Indian Territory, October 31, 1905.

Neal & London,

Attorneys for Horace S. Norman, et al.,

Fort Smith, Arkansas.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 31, 1905, rejecting the applications for the enrollment of Horace S. Norman, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

(SIGNED).

Tame Bixby.
Commissioner.

Incl. 3-3
Register

COPY.

Cherokee Freedmen

D-189, et al.

Muskogee, Indian Territory, October 31, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 31, 1905, rejecting the applications for the enrollment of Horace S. Norman, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

(SIGNED).

Tame Bixby.
Commissioner.

Incl. 8-4

COPY.

Cherokee Freedmen

D-159, et al.

Muskogee, Indian Territory, October 31, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 31, 1905, rejecting the applications for the enrollment of Horace S. Norman, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

SIGNED:

Tams Bixby.
Commissioner.

Incl. 3-4

COPY.

Muskogee, Indian Territory, October 31, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the consolidated applications for the enrollment of Horace S. Norman, et al., as Cherokee freedmen, including the Commissioner's decision dated October 31, 1905, rejecting the applications for the enrollment of Horace S., Harry, Cairo and Charles Norman, Irene Cannon and Henry Norman, as Cherokee freedmen.

On August 2, 1905 (I.T.D. 4382-1904, 5620-1905), this case was remanded to this office for rehearing and readjudication.

Respectfully,

SIGNED

Tame Bloddy
Commissioner.

Incl. 3-5

Through the
Commissioner of Indian Affairs.

6-47M²/₄

Muskogee, Indian Territory, December 14, 1905

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a motion filed by Merritt Eslick, attorney for applicants, Horace S. Norman and Irene B. Cannon, et al., praying "that their cases be reopened and a rehearing thereof granted them to the end that they may be allowed to establish their right to enrollment as freedmen citizens of the Cherokee Nation." In support of , and attached to said motion are the affidavits of Polly Ross, Rab Brewer, Alex Nivens, Kaster Grummett and George W. Vann.

The applicants Horace S. Norman and Irene B. Cannon, et al., are listed for enrollment on Cherokee Freedman Doubtful cards Nos. 159 and 160, which were consolidated and said applicants denied the right to enrollment as Cherokee Freedmen, in a decision rendered by this office on October 31, 1905, said decision, together with the proceedings in said consolidated cases being forwarded to the Department on that date.

In re said motion this office has the honor to report as follows:

An examination of the record in the consolidated case of Horace . Norman, et al., supra., shows that the proceedings had in the two cases (I. T. D. 159 and 160), were the same, as follows: Applications for their enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes on April 24, 1901, at Fort Gibson, Indian Territory. Further proceedings in said cases were had on April 29 and September 25, 1901, at Fort Gibson, and on August 24, 1905, at Muskogee, Indian Territory. In support of their applications they introduced as witnesses, Rachel Baker, George W. Vann, Eliza Robinson, John McDonald, Green Bean, Hartwell H. Houston and Isaac Johnson, and since making their applications for enrollment they have been represented by Attorneys, John F. Faulds of Muskogee, George P. Wogle, of Vinita, and A. B. McKee of Muskogee, Indian Territory, and by Neal & London of Fort Smith, Arkansas, and now by Merritt Balick of Muskogee, Indian Territory. On March 5, 1904, the Commission to the Five Civilized Tribes rendered its decision denying these applicants the right to enrollment as Cherokee freedmen, said decision being affirmed by the Department on October 27, 1904 (I. T. D. 4382-04). Thereafter, on August 2, 1906,

this consolidated case was remanded by the Department for rehearing (I.T.D. 8620-05), and on October 31, 1905, after further proceedings had on August 24, 1905, this office rendered its decision herein as above indicated.

In view of the foregoing it is respectfully submitted that these applicants have had ample opportunity to establish their right, if any they have, to enrollment as Cherokee Freedmen.

The Department's attention is further invited to the affiants who make affidavit in support of the motion herewith transmitted.

Polly Ross (Nivens) of Fort Gibson, Indian Territory. The testimony of this party is absolutely worthless and this office has so expressed itself on several occasions. See letter of even date filed in protest of the Department's action in the Cherokee freedman consolidated case of Ed Riley et al., D 696 et al.

Rab Brewer, of Fort Gibson, Indian Territory. An examination of the record in his case, C. F. No. 14, shows that on April 2, 1901, he was about forty-five years old, hence, the matters of which he is willing to testify must have occurred when he was about five years of age.

Easter Grimes (Williams), of Ruby, Indian Territory. This party was the been companion of Polly Ross Nivens during the time the Cherokee enrollment party was in the field, and they generally appeared in team work, each corroborating the other. One had seen the applicant, or his ancestor, at Fort Gibson, in "66", the other would see him a few days later at Tahlequah. Each has been repeatedly contradicted and impeached and their credibility as witnesses is considered about the same.

George W. Vann, of Henge, Indian Territory. This party has heretofore appeared as a witness in this case and the Department comments on his testimony in its letter of October 27, 1904 (I.T.D. 4382-04). See also Departmental letter of January 19, 1905 (I.T.D. 240-05), where the Department recognized the utter worthlessness of his testimony.

Alex Nivens of Fort Gibson, Indian Territory.

It will be noted that the applicants in this case have had three hearings at Fort Gibson, Indian Territory, and that the residence of three of the said affiants, namely, Polly Ross, Rab Brewer and Alex Nivens,

is Fort Gibson, Indian Territory. An examination of the records in their cases shows that all made applications for enrollment in April, 1901, at Fort Gibson, hence, these applicants have had several opportunities to introduce them as witnesses at a time more convenient. Easter Grinnett lives at Ruby, Indian Territory, a point only a few miles from Chelsea, the present home of the applicants. Instead, however, of securing her as a witness at the rehearing had in this case on August 24, 1908, at Muskogee, Indian Territory, the applicant, Horace S. Norman, traveled about one hundred miles to secure the testimony of other witnesses who, the records in their cases show, have heretofore been denied by the Commission to the Five Civilized Tribes the right to enrollment as Cherokee freedmen.

The evidence introduced in this case by the Cherokee Nation is practically conclusive and shows beyond little doubt that Judge Brown owned no such slave or slaves, as the applicants herein have at four different hearings unsuccessfully attempted to prove he did. In justice to the Cherokee Nation the motion should be denied.

Notice was not received by this office that said applicants had removed from Fort Gibson to Chelsea. On August 11, 1905, all parties concerned were notified that case had been remanded by the Department and was set for further hearing on August 24, 1905, at which time they appeared and introduced additional testimony.

It is, therefore, respectfully recommended that applicants' motion to reopen their case, transmitted herewith, be denied.

Respectfully,

Through the
Commissioner of Indian Affairs.

Commissioner

Incl. 3-30

Land.

COPY

8844^o-1905
100658- "

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

February 28, 1906.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated October 31, 1905, transmitting the record of the consolidated application for enrollment as Cherokee Freedmen by Horace S. Norman for himself and his three minor children, Harry, Cairo, and Charles Norman; and by Irene Cannon for herself and her minor nephew, Henry Norman.

October 31, 1905, the Commissioner decided adversely to all the applicants.

The record shows that on March 5, 1904, the Commission to the Five Civilized Tribes rendered a decision denying the applicants enrollment and that on October 27, 1904 (I.T.D.4382-04) the Department affirmed the decision. That thereafter, on August 2, 1905 (ITD 5620-05), the Department rescinded its action and remanded the case for rehearing.

The evidence shows that the applicant, Horace S. Norman, was born prior to the beginning of the war of the rebellion; that the affiant, Irene Cannon, was born since 1866 and that they are the children of Lucy Brown; that after ample opportunity afforded it is not established that Lucy Brown or Horace S. Norman

were the slaves of a Cherokee citizen nor free colored persons residing in the Cherokee country at the beginning of the war of the rebellion; that the minor applicants, Harry, Cairo, and Charles Norman, are children of Horace S. Norman and the minor, Henry Norman, is a nephew of Horace S. Norman. None of the applicants nor any ancestor is identified on any roll of the Cherokee Nation.

There is also enclosed a letter from the Commissioner to the Five Civilized Tribes dated December 14, 1905, transmitting a motion for reopening and rehearing the case, which has been carefully considered.

In view of the record the approval of the Commissioner's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

MMM

C

D.C.13497.

GR

DEPARTMENT OF THE INTERIOR,

LIB

WASHINGTON.

I.T.D.3800-1906.

April 11, 1906.

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

December 14, 1905, you transmitted the record of the application of Horace S. Norman for the enrollment of himself and his three minor children, Harry, Cairo, and Charles Norman, and the application of Irene Cannon for the enrollment of herself and minor nephew, Henry Norman, as Cherokee freedmen, including your decision dated October 31, 1905, denying said application.

February 28, 1906, there was filed with the Department a motion for a reopening in said case.

The Department has carefully considered said motion for a reopening in connection with the record in the case, and sees no reason to disturb your decision of October 31, 1905, adverse to all the applicants. Said motion for a reopening is hereby denied and your decision of October 31, 1905, denying the application of Horace S. Norman for the enrollment of himself and his three minor children, Harry, Cairo, and Charles Norman, and the application of Irene Cannon for the enrollment of herself and

-2-

minor nephew, Henry Norman, as Cherokee freedmen, is hereby affirmed.

Respectfully,

E. A. Hitchcock,

Secretary.

Cherokee Freedmen

COPY.

D-159-160.

Muskogee, Indian Territory, April 20, 1906.

Merritt Felick,

Attorney for Horace S. Norman, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 31, 1905, rejecting the applications for the enrollment of Horace S. Norman and his minor children, Harry, Cairo and Charles Norman, Irene Cannon and Henry Norman as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 11, 1906.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED.

Wm. B. Peace
Acting Commissioner.

Encl.
MMP-1119.

Cherokee Freedmen

COPY.

D-159-160.

Muskogee, Indian Territory, April 20, 1906.

Neal & London,

Attorneys for Horace S. Norman, et al.,

Fort Smith, Arkansas.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 31, 1905, rejecting the applications for the enrollment of Horace S., Harry, Cairo and Charles Norman, Irene Cannon and Henry Norman as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 11, 1906.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.
MMP-120

SIGNED.

Wm O. Ball
Acting Commissioner.

Cherokee Freedmen

COPY.

D-159-160.

Muskogee, Indian Territory, April 20, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 31, 1905, denying the application for the enrollment of Horace S. Norman and his three minor children, Harry, Cairo and Charles Norman, and the application of Irene Cannon for the enrollment of herself and minor nephew, Henry Norman, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 11, 1906.

A copy of Departmental decision referred to is herewith inclosed.

Respectfully,

SIGNED:

Incl.
MMP-1319.

Wm. B. Beall
Acting Commissioner.

Cherokee Freedmen

COPY.

D-169.

Muskogee, Indian Territory, April 20, 1906.

Horace S. Norman,

Chelsea, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 31, 1905, rejecting, among others, the application for the enrollment of yourself and minor children, Harry, Cairo and Charles Norman, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 11, 1906.

Respectfully,

(SIGNED).

Wm. J. Beall
Acting Commissioner.

MCP

Cherokee Freedmen
R 767 et al.

Muskogee, Indian Territory, August 31, 1906

Horace S. Norman,
Chelsea, Indian Territory.

Dear Sir:

This office is in receipt, by reference of the Commissioner of Indian Affairs, of a motion made by you for a rehearing in the consolidated Cherokee freedmen enrollment case of yourself and others; Also, on May 24, by reference of the Secretary of the Interior, of a similar motion made by Irene S. Cannon.

Said motions will receive the proper consideration of this office and be transmitted to the Department for action thereon, at the earliest practicable date, of which you will be promptly advised.

Respectfully,

L M B

Acting Commissioner

Muskogee, Indian Territory, January 3, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a motion filed June 22, 1906, for a rehearing of the Cherokee freedmen cases of Horace S. Norman and Irene Cannon. This motion was received with Indian office letter, dated June 20, 1906 (land 50903-1906). It bears no evidence of a copy thereof having been served on the Attorney for the Cherokee Nation). The statement is made in this motion that the affidavits of Polly Ross and Rab Vrewer are attached to the motion, but the same are not.

The decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting the consolidated applications for enrollment of Horace S. Norman, et al. and Irene Cannon, et al., was affirmed by the Department, October 27, 1904 (I.T.D.4382-1904), August 2, 1905 (I.T.D.5620-1905), on motion of the application, a rehearing was granted by the Department, and on October 31, 1905, the Commissioner to the Five Civilized Tribes rejected said application; his decision was, on February 28, 1906 (land 88449, 100658-1905) concurred in by the Indian Office and was affirmed by the Department

April 11, 1906 (I.T.D.3800-1906).

The question presented in this case was gone into fully by the Commissioner in his letter to the Department of December 4, 1905, submitting a motion for a rehearing in this case, supported by the affidavits of the parties mentioned in the present motion, whose testimony it is desired to be now introduced. The Commissioner's action of December 14, 1905, recommending the denial of that motion, was concurred in by the Indian Office in its letter of February 28, 1906, above mentioned, and the motion was denied by the Department on April 11, 1906.

For the reason that nothing is now presented which has not heretofore been considered in connection with the case and, as a re-examination of the record shows the motion to be without merit, it is respectfully recommended that the same be denied.

Respectfully,

Through the Commissioner
of Indian Affairs.

Commissioner.

Encl.H-37
JMH

C O P Y .

Refer in reply
to the following :
Land-32257-1906
1265-1907.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 15, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith, for Departmental consideration, motion for rehearing of the Cherokee freedman case of Horace S. Norman and Irene Cannon, filed with the Commissioner to the Five Civilized Tribes on June 22, 1906.

The decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting the consolidated applications for the enrollment of Horace S. Norman et al., and Irene Cannon, et al., was affirmed by the Department on October 27, 1904 (T.T.D. 4352-1904).

On August 2, 1905 (I.T.D. 5620-1905), on motion of the applicants, a rehearing was granted by the Department, and on October 31, 1905, the Commissioner rejects the applicants, his decision being concurred in by this Office on February 28, 1906 (Land 100652-1905), and affirmed by the Department on April 11, 1906 (I.T.D. 3800-1906.)

The record in the case is forwarded herewith.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

AJW-EH.

C O P Y .

J.P.

I.F.D.1028-1907.
L.R.S.

DEPARTMENT OF THE INTERIOR,

FHE.

Washington, January 21, 1907.

Commissioner to the Five Civilized Tribes,
Muskegee, Indian Territory.

Sir:

The Department is in receipt of your letter of the 3rd instant, submitting a motion for rehearing in the Cherokee freedman case of Horace S. Norman et al., in which you recommended that the motion be denied as you considered it had no merit.

The motion is but a reiteration of previous contentions heretofore carefully considered. See decision of the Department of April 11, 1906, denying a motion for rehearing. It is not supported by proper affidavits. Though it is stated that affidavits of proposed witnesses, "marked Exhibits Nos. 1 and 2", are made a part of the motion, such affidavits do not appear to have been filed.

In view of the unsatisfactory showing made, the condition of the enrollment work in the Cherokee Nation which must be completed by March 4, 1907, and in justice to the Cherokee Nation the motion is denied.

A copy of Indian Office letter of January 15, 1907 (Land 1265-1907), submitting your report is enclosed. The other papers in the case have been sent to the Indian Office for its files.

Respectfully,

(Signed) Thos Ryan

First Assistant Secretary

Through the Commissioner
of Indian Affairs.
1 inc. and 6 for Ind.Of.

Cherokee V.
R 767

Muskogee, Indian Territory, January 31, 1907.

Horace E. Norman,
Chelsee, Indian Territory.

Dear Sir:

You are hereby advised that a motion for a rehearing of the Cherokee freedmen enrollment case of yourself, et al., filed by your attorney, Frank J. Boudinot, Tahlequah, Indian Territory, June 23, 1906, was denied by the Secretary of the Interior, January 21, 1907.

Respectfully,

J.M.H.

Commissioner.

Cherokee N.
R 767

Muskogee, Indian Territory, January 21, 1907.

Frank J. Boudinet,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that a motion for a rehearing of the Cherokee freedmen enrollment case of Horace S. Norman, et al., filed by you June 22, 1906, was denied by the Secretary of the Interior, January 21, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. N-46
JMH

Commissioner.

Cherokee F.
R 767

Muskogee, Indian Territory, January 31, 1907.

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that a motion for a rehearing of the Cherokee freedmen enrollment case of Horace S. Norman, et al., filed June 22, 1906, was denied by the Secretary of the Interior, January 31, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. H-48
JMH

Commissioner.

68903

Indian Office,
Incl. No. 2

1904

Department of the Interior,
RECEIVED.

OCT 10 1904

Enc. No. 2 of No. 10152
Indian Territory Division.

12596

DEPARTMENT OF THE INTERIOR

MAY 16 1905

Returned with No. 5620
Inclosure 6 IND. TER. DIV.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Hosce J. Norman
for enrollment as citizens of the Cherokee Nation.

No. _____ }
UNITED STATES OF AMERICA, } ss
INDIAN TERRITORY, }
NORTHERN DISTRICT. }

AFFIDAVIT TO SHOW
SERVICE.

This day personally appeared before me the undersigned a Notary Public within and for the Northern District of the Indian Territory, R. G. Zimmerman who being by me first duly sworn on oath states, that his age is thirty-two years and that his postoffice is Vinita, Indian Territory, and that on the 29 day of Aug. 1904 he deposited in the United States postoffice at Vinita, I.T. an envelope containing a true copy of the instrument hereto attached and he hereto attaches the receipt of the postmaster at said postoffice showing that he received said package to be duly registered and mailed to Hosce J. Norman whose postoffice is Muldrow Indian Territory, and attached to this affidavit is the registry return receipt duly signed by the applicant showing that said envelope containing a true copy of the instrument hereto attached was received by the said applicant.

R. G. Zimmerman

Subscribed and sworn to before me this 29th day of August 1904

J. C. Starr
Notary Public.

_____, Indian Territory, _____ 190

RECEIVED OF THE COMMISSIONER TO THE FIVE CIVILIZED

TRIBES one copy of the testimony in J.D. 159 Herace & Norman

(Sup' 8/21/05 and Nancy Ann Sabell 4/29/06)

Neal & London
Attorney for Applicant

Chelsea G. T. Nov 11. 1904.

To the Hon. Secretary - E. C. Hitchcock
Secretary of the Interior. Dear Sir I Beg leave
to sub. mit my complaints before you
hoping that you ^{will} consider my condition.
your honorable Commission is not giving me
Justice in the regards of my rights as
Cherokee freed man. I am a bona fide freed man
of a Cherokee by blood. I was born in Illinois
dist near Weber falls of Lucy Brown who
was a slave of Judge James Brown and
she never was sold nor left the territory
at any time. during the time she lived I
and I have never been out of this country
only when I was hired 3 months to a
mule driver ^{in the fall of 1872} I married that winter and
come home and has lived here every since
that time. I did not get on the board on ac-
count of being down with rheumatism.
I was helpless about 2 years during
the time and I have been ever since
Every since that time. and I went before
the James Commission during the En-
roling and there give proof of my citizen-
ship and the hon. J. B. Needles told me
that I did not need any further proof
and I asked him if I would need an
attorney and he said no. I was too poor

I was too poor
 and I told him employ any one and he said
 that the Commission will give each of
 us our rights regardless to an attorney.
 and on March the 15 1904. it was
 that I was turned down on what grounds
 I can not tell. they said in the notice
 of rebellion that I was not a slave of an
 indian and that I was not here at the
 begining of the rebellion. and I guess that is
 why they rejected me. when I have not
 been out of Cherokee nation to a west of
 30 ^{days} only when I was gone south in the
 fall of 1878. and I come home and lived
 in the country every year then. and on June
 1-9 I recd a notice from the ~~hon~~ hon
 Commission of Indian Affairs and
 the hon secretary requesting the Com
 mission to reverse their decision and
 Enroll me and my children as Cherokee
 freed men. and I got a filing card and
 then your hon they would not let me
 file. and on Nov 7 the 15 1904 I recd a notice
 dated Oct 27 that if their decision
 rejecting me as freed man was affirmed by
 the hon secretary of the interior. so
 I will tell you I was not able to hire
 an attorney for I am a decept & poor.
 and I feel that the power is in you.

and only when it comes to our rights in
 this country. it is hard for me to spend my
 days here being almost unable to do any
 thing then be wranged out of my
 home and I do not know no other
 place under the sun as a home. but the
 Cherokee Nation. and I do pray and hope
 that you will have the commission to
 I write me and my minor children so
 that we may file on our land as
 other freed man. they told me when I
 was Enrolled that I had complied with
 the Treaty all the way through. if they had
 of asked of it I could of furnished 10 or 12
 witness but they said that I did not need
 any further proof. so I dont know the cause
 of me being turndown I dont no whether
 the indian attorney made an argument
 or not against me for I was not able meet
 him or able to hire a lawyer. so I will send
 my prayers to you and pray that your
 reconisiation be in my favor.
 this being all I beg to remain your
 obedient servant

Horace Solomon F.D. 1879

this is the nature of my citizenship
 Chelsea F.T. please write soon so I will

ps your honor thought when the
secretary recommended a thing one time
that it was a should be final but
see that they not Enrole me as you
recommended. but I pray you that
you may ask them to Enrole me & my
children for I no the power is in you
so I remain waiting your answer
your servant
Amos Schorman

Department of the Interior,
BUREAU OF LAND

NOV 16 1904

No. 9379

Indian Territory Division.

NOTICE!

In the matter of the application of Horace S. Norman, for enrollment as a Cherokee Freedman.

Case No. D 159

To Horace S. Norman,

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, Indian Territory, on the following dates, to-wit: April 27th, 29th and 30th

A. D. 1901, during the usual business hours of said commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands on this 26th day of Apr 1901.

R. B. Bell

W. W. Hastings

Geo. S. Stewart

Attorneys for the Cherokee Nation.

United States of America,
Indian Territory,
Northern District.

s. s.

I do solemnly swear that I delivered a true copy of the within notice to
on the 27 day of Apr A. D. 1901.

Subscribed and sworn to before me this 27 day of Apr 1901.

Horace S. Norman

W. W. Hastings

Notary Public

March for Cherokee Nation

F. D. 159
Marriage License

Horace S. Norman

Doz

Miss Susan E. Rodgers

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 21 1901

[Signature]
ACTING CHIEF

Returned & filed
this 6th day of Jan 1879
J. M. Smith
clerk

MARRIAGE LICENSE.

State of Arkansas,
COUNTY OF UNION

To Any Person Authorized by Law to Solemnize Marriage, Greeting:

You are hereby Comanded To celebrate the rite and publish the Bans of Matrimony

between Mr. *Horace S. Norman* of *Hillsboro*

in the County of *Union* and State of Arkansas, aged *21* no father *dead* years, and

Miss *Susan E. Rogers* of *Hillsboro*

in the county of *Union* and State of Arkansas, aged *16* years,

according to law, and do you officially sign and return this license to the parties herein named.

WITNESS my hand and official Seal this *21st* day of *December* A. D. 187*8*

J. M. Smith CLERK.
By *R. M. Wallace & Co.*

CERTIFICATE OF MARRIAGE.

State of Arkansas,
COUNTY OF UNION,

I, *Daniel Norman*, do hereby certify that on the
26th day of *December* A. D., 187*8*, I did duly, and according to law, as commanded in the
foregoing license, solemnize the rite and publish the bans of matrimony between the parties therein named

WITNESS my hand this *26* day of *December* A. D., 187*8*

Daniel Norman
his
mark

N. B. This License, with the Certificate duly executed and officially signed, must be returned to the office where it is issued within sixty days from date of the hereof, under penalty of forfeiture of the License.

CERTIFICATE OF RECORD.

STATE OF ARKANSAS,

COUNTY OF UNION

I, *J. M. Smith* Clerk of the Circuit Court and Ex-officio
Clerk of the County Court and Recorder of said County, certify that the above License for and Certificate of the
marriage of *Horace S. Norman* and *Susan E. Rogers*
were, on the *6th* day of *January* 187*9*, filed in my office, and the same are now
duly recorded on Page *66* of Book *E* of marriage records.

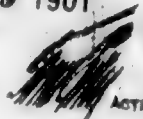
WITNESS my hand and the seal of said County, this *9th* day of *January* 187*9*

J. M. Smith

Clerk and Recorder.

J. D. 139

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 29 1901


ACTING CHAIRMAN

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Received of the Commission to the Five Civilized Tribes,
copies of the testimony in the matter of the application of
Horace S. Norman, et al, for enrollment as Freedmen of the
Cherokee Nation.

J. H. Haulds

Attorney for Applicant.

Fort Gibson, Indian Territory,

April 29th, 1901.

A. B.
J. S. - 13-9

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 24 1901

 ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 24 1901

Post Office St Gibson 37

District Illinois

1. Name Horace S. Norman Age 45
Owner's name James Brown Citizenship Cherokee
Year Page No. District

Parents:

Father Jack Norman dead Citizenship

Mother Lucy Brown dead Citizenship

2. Name of wife Age

Owners name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

- 4. Harry Norman Year Page No. Dist. 16
- 5. Cairo Year Page No. Dist. 14
- 6. Charles Year Page No. Dist. 12
- 6. Year Page No. Dist.
- 7. Year Page No. Dist.
- 8. Year Page No. Dist.
- 9. Year Page No. Dist.
- 10. Year Page No. Dist.
- 11. Year Page No. Dist.
- 12. Year Page No. Dist.

Application made by (#1)

Stenographer

J. O. Rosson

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Horace S. Norman,
Ft. Gibson, I.T.

Cherokee F-D-159
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cher. Fr. R. '768

Tran. from Fr. D. 160

Cher. Fr. R. 768

To be filed in the application of Irene Cannon et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T. April, 24th, 1901.

In the matter of the application of Horace S. Norman for the enrollment of himself and three children as Cherokee Freedmen: said Norman being being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A. Horace S. Norman.
Q What is your age, Mr. Norman? A. I guess pretty near 50, 45 anyhow.
Q What is your post office address? A. Fort Gibson now.
Q What district do you live in? A. I live here in Illinois District, I guess.
Q Do you apply to be enrolled as a Cherokee Freedman? A. Yes sir.
Q Did you ever apply to be enrolled by any other Nation or tribe? A. No sir.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A. No sir.
Q Is your name on the roll of 1880? A. No sir.
Q On the roll of 1896? A. I don't think it is.
Q Did you draw what is known as the strip money? A. No sir.
Q Where were you born? A. Here in the Cherokee Nation.
Q Were you a slave? A. Yes sir; I was small then.
Q What was your owner's name? A. Brown, Jim Brown.
Q Was he a Cherokee citizen? A. Yes sir.
Q By blood? A. Yes sir.
Q Where were you at the beginning of the war between the United States and the Confederacy? A. We was down here somewhere not far from Webbers Falls, that is what they say, I could not recollect.
Q Where were you at the close of the war? A. Down there.
Q Down where? A. Webbers Falls.
Q Were you ever out of the Cherokee Nation? A. I have been out.
Q At that time? A. No sir? A. No sir, I was too small.
Q You never was taken out of the Cherokee Nation? A. No sir, never was taken out.
Q Have you lived in the Cherokee Nation ever since? A. Yes sir.
Q Are you married? A. I have been but I am not now.
Q What is your father's name? A. My father was named Jack Norman.
Q Is he living? A. No sir, he has been dead a long time.
Q What is your mother's name? A. My mother was named Lucy Brown.
Q Is she living? A. No sir.
Q You think you was born in the Cherokee Nation and was never taken out before the war or during the war? A. No sir.
Q Why is your name not on the roll of 1880? A. When the roll of 1880 was made I was down sick with the rheumatism, me and my father both; I layed sick nearly two years.
Q Is your mother's name on the roll of 1880? A. No sir.
Q Is your father's name on the roll of 1880? A. No sir, he was a free man.
Q Your mother was a slave? A. Yes sir.
Q Did you try to draw what is known as the strip payment money? A. I could not try.
Q Why? A. My name ~~was~~ never come out on the pay roll.
Q You never went up there to try to prove yourself? A. No sir.
Q Why? A. I didn't have any right.

Examination continued by John F. Faulds, Attorney for applicant:

- Q How old you say you are? A. I must be 45 or 46.
Q Were you her when the war began, you say, here in the Cherokee Nation? A Oh, yes.
Q You never went out during the war? A. No sir.
Q And you have been here ever since? A. I have been out maybe some months at a time.
Q You have always made this your home? A. Yes sir, my household effects have always been here.

By J. S. Davenport, Cherokee Representative:

- Q Norman, what made you tell Col. Needles that you didn't ~~want~~ ~~try~~ to prove up and get your strip money? A. He asked me if I got on the rolls here.
- Q And you said you didn't? A. I went before the Kerne-Clifton roll.
- Q Why didn't you tell him that a while ago? A. He didn't ask me that.
- Q As a matter of fact you did try to get on it and get that strip money? A. Yes sir.
- Q And when you testified in that trial you testified that you lived in Pine Bluff, Arkansas? A. No sir.
- Q Didn't you apply for a number of your family, there were several, Charles Norman, and Leander and Carrie and Will and Irene and Artie? A. They are some of them children of my brother.
- Q They are all together in the family? A. Yes sir but no Pine Bluff was mentioned.
- Q Were you ever in Pine Bluff? A. I never was in Arkansas, never was in Pine Bluff, ten hours in my life.
- Q Did you ever live in Arkansas? A. No sir, I staid around Van Buren some.
- Q Where have you been living? A. Here in the Cherokee Nation.
- Q Where have you been living, at what point have you been living? A. We lived some of the time down there at the Johnson place.
- Q Where is the Johnson place? A. It is now known as the Payne place.
- Q It is just across the river from Fort Smith? A. Yes sir.
- Q Is the post office Muldrow or Fort Smith? A. My post office is here at Fort Gibson.
- Q How long did you live at the Johnson place? A. I dont know.
- Q Well a year or much more? A. I dont know.
- Q Where were you living at the close of the war? A. Lived up here near Webbers Falls.
- Q Well, at what point, at whose farm? A. Was not living on any farm, living on a little old house.
- Q Were you living there near Mr. Lynche's? A I dont know.
- Q Do you know John Drew? A. I dont know.
- Q Do you know Bob Hanks? A. I dont know any of them old Indians.
- Q Did you know Joe Ab Seales? A. I dont know any of them; there was so many soldiers I didn't pay any attention to them.
- Q Did you know any other people down there at the Johnson place near Fort Smith? A. I didn't notice at all.
- Q Did you know John E. Gunter? A. Well, I knowed them.
- Q Well, what year did you know him? A. I cant recollect what year I knowed him, John lived there at the Payne place.
- Q Who was your owner before the war? A. Judge Brown.
- Q Judge Jim Brown? A. Yes sir.
- Q He lived in Sequoyah district? A. He lived up at Big Lee's Creek they tell me.
- Q Don't you know where he lived? A. I said that this is what they told me
- Q How old were you when the war broke out? A. Five or six years old.
- Q Where was your mother? A. She was here.
- Q What did she do? A. She was around here cooking at the Mackey Salt works.
- Q That is where Daniel Roach was running? A. I don't know.
- Q Where were you living when you first remember? A. At Webbers Falls.
- Q What Cherokees do you remember there at that time? A. I dont remember any particularly.
- Q Where were you living when you come old enough to remember of any Cherokees in the neighborhood? A. I never took any particular notice at that time.

RACHEL BAKER, being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A. Rachel Baker.
- Q How old are you Rachel? A. About 60, about 45 I reckon.
- Q Aren't you older than that? A. I dont know my age exactly.
- Q What is your post office? A. Benga.
- Q Are you a Cherokee citizen by blood? A. I have been here all my life pretty near.

Q Are you a Freedman or Indian? A. I am a Freedman.

By John F. Faulds:

Q When did you first know Horace S. Norman, after the war or before the war? A. He and my mother cooked together.

Q When was that, in relation to the war, before the war? A. Before the war, and in the time of the war.

Q Where was Horace S. Norman living at the time of the war? A. At the Salt Works, close to Webbers Falls.

Q And after the war, when the war closed, was he here? A. Yes sir I guess he was, we was divided up then.

Q Well, have you seen him off and on ever since the war? A. Yes sir.

Q In the Cherokee Nation here? A. Yes sir.

Q He has lived here then? A. Yes sir.

Q Ever since the war? A. Ever since the war, that I know anything about

By Commissioner Needles-

Q Was he a born slave? A. I reckon his mother was a slave.

Q Whom did she belong to? A. She belonged to Norman.

By John F. Faulds

Q She was the wife of Norman? A. Yes sir.

Q Who was her owner or master? A. I dont know that, she was there and we all split up.

By J. S. Davenport.

Q Where was Norman living when you first knew him? A. He was at the salt works.

Q How long was that after the war? A. I dont know how long that was after the war, we all got divided up.

Q It was after the war? A. Yes sir.

Q You had never seen him up to the time you saw him at the salt works? A. Yes sir.

Q You hadn't seen him before that time? A. No sir.

Q You didn't know anything about him before you saw him at the salt works? A. No sir.

Q And you don't know where he has been living, you don't know anything about when he was living down in Arkansas? A. No sir.

Q You are not a recognized Freedman? A. I am.

Q On all the rolls? A. I ain't been on any of the rolls at all.

Q You are not recognized then are you? A. I don't know. I was just about and about.

Q You have been like Norman, you have been about and about? A. Just working wherever I could get work.

Q You don't know who Norman's master was? A. No sir.

By John F. Faulds:

Q I want to get at the truth of this, you told me that you saw him here, Horace S. Norman, when the war broke out? A. He was a little boy.

Q And then you told him, Mr. Davenport, that the first time you saw him, if I understand you, it was after the war; which is right? A. It was along in the time of the war and just after the war.

Q Then the first time you saw him was when? A. We was cooking together.

Q Was that before the war? A. Just about the time the war begin.

Q That was the first time you saw him? A. Yes sir.

Q And he was in the Cherokee Nation at Webbers Falls? A. Yes sir.

By J. S. Davenport:

Q Whom was he cooking for at the Webbers Falls? A. The men at the salt works.

Q Was the salt works at Webbers Falls? A. We was cooking there, I dont know where it was.

Q You said a moment ago the salt works was at Webbers Falls? A. Wherever the salt works was.

- Q Was the salt works in the Territory or Arkansas? A, I dont know any thing about that.
- Q The fact of the business is you don't know anything about Norman? A Yes sir.
- Q Was the salt works where you first met Norman and mother, at Webbers Falls? A. Yes sir, I was cooking there.
- Q Who was running the salt works at the time you were cooking there at Webbers Falls? A. I dont know who was running the works
- Q Who was you cooking fer? A. I was cooking fer this man Baker.
- Q Who was she cooking fer? A. Beth of us was cooking for Baker.

By John F. Faulds-

- Q Do you know where the Arkansas River is? A. That is down yonder.
- Q How far from these salt works was the river? A. I have never seen the river.
- Q Haven't you been on the river Arkansas River? A. Yes sir.
- Q How long would it take you to walk for the salt works to the river Arkansas river? A. It is just according to whether you are in a hurry
- Q If you are in a hurry how long would it take you to walk to the river? A I dont know, I could not know, I never measured the time.
- Q Would it take you ten years? A. May take me ten for all I know, I never paid any attention to it.
- Q Could you see the Arkansas river from the salt works? A. Yes sir.

George W. Vann, being sworn and examined by Commissioner Needles, testified

- Q What is your name? A. George W. Vann.
- Q What is your age, Mr Vann? A. 37.
- Q What is your post office? A. Benge.

By John F. Faulds-

- Q Mr. Vann where were you living at the time the war broke out between the Confederacy and the United States? A. When it first broke out I was living down near Fort Smith on this side.
- Q In the Cherokee Nation? A. Yes sir on the old Ben Johnson.
- Q Do you know Horace S. Norman? A. I do.
- Q When did you first know him? A. About all his life.
- Q Did you know him when the war began? A. I did, his mother was a cousin of mine.
- Q Was he a slave? A. Yes sir.
- Q To whom ~~was~~ did he belong? A. Brown.
- Q Do you know Brown's first name? A. Called him Judge Brown.
- Q Was he a Cherokee citizen by blood? A. He was always said to be.
- Q Did you leave the Cherokee Nation during the war? A. Indid not.
- Q Was Horace S. Norman here from the time the war broke out until 1867? A He has lived here all the time.
- Q He has been here up to the present time in the Cherokee Nation? A. He has sometimes been in Arkansas.
- Q Did he make his home here in the Cherokee Nation? A. Yes sir, some- times he was in the Choctaw Nation.
- Q Have you any idea how old he is? A. Yes, he must be 42 or 43 years old, would not be positive.
- Q Do you remember seeing him when the war broke out? A. His mother was my cousin; he lived quite a while in the Cherokee Nation, I doctored him about three years for the rheumatism.

By J. S. Ravenport:

- Q Where was he living when the war broke out? A. He was down around about Fort Smith and his mother lived part of the time at Wilson's Neck.
- Q He was living about Fort Smith and she was living at Wilson's Neck? A He would go back to Fort Smith.
- Q He was coming to his mother's and back to Fort Smith? A. Yes sir.
- Q That is when the war broke out when I am speaking of? A. I dont know just exactly when it was after the breaking out or not; when the war come up she was backwards and forwards, I dont know just exactly where

- Q Was the salt works in the Territory or Arkansas? A, I dont know any thing about that.
- Q The fact of the business is you don't know anything about Norman? A Yes sir.
- Q Was the salt works where you first met Norman and mother, at Webbers Falls? A. Yes sir, I was cooking there.
- Q Who was running the salt works at the time you were cooking there at Webbers Falls? A. I dont know who was running the works
- Q Who was you cooking fer? A. I was cooking fer this man Baker.
- Q Who was she cooking fer? A. Both of us was cooking for Baker.

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- Q What is your post office? A. Benge.

By John F. Faulds-

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- Q In the Cherokee Nation? A. Yes sir on the old Ben Johnson.
- Q Do you know Horace S. Norman? A. I do.
- Q When did you first know him? A. About all his life.
- Q Did you know him when the war began? A. I did, his mother was a cousin of mine.
- Q Was he a slave? A. Yes sir.
- Q To whom ~~was~~ did he belong? A. Brown.
- Q Do you know Brown's first name? A. Called him Judge Brown.
- Q Was he a Cherokee citizen by blood? A. He was always said to be.
- Q Did you leave the Cherokee Nation during the war? A. I did not.
- Q Was Horace S. Norman here from the time the war broke out until 1867? A He has lived here all the time.
- Q He has been here up to the present time in the Cherokee Nation? A. He has sometimes been in Arkansas.
- Q Did he make his home here in the Cherokee Nation? A. Yes sir, some- times he was in the Choctaw Nation.
- Q Have you any idea how old he is? A. Yes, he must be 42 or 43 years old, would not be positive.
- Q Do you remember seeing him when the war broke out? A. His mother was my cousin; he lived quite a while in the Cherokee Nation, I doctored him about three years for the rheumatism.

By J. S. Davenport:

- Q Where was he living when the war broke out? A. He was down around about Fort Smith and his mother lived part of the time at Wilson's Neck.
- Q He was living about Fort Smith and she was living at Wilson's Neck? A He would go back to Fort Smith.
- Q He was coming to his mother's and back to Fort Smith? A. Yes sir.
- Q That is when the war broke out when I am speaking of? A. I dont know just exactly when it was after the breaking out or not; when the war come up she was backwards and forwards, I dont know just exactly where

she was living.

Q You dont remember when you had seen her prior to her breaking out of the war, how long it had been? A I dont think she was out of my sight a year.

Q You dont know whether the boy was living with her or staying at Fort Smith? A She worked for Campbell LaFlere in the Choctaw Nation.

Q Was that before the time the war broke out? A. After the war.

Q Do you know where the boy was when she was working for Campbell LaFlere & I dont know.

Q Well when the war closed was she working for Campbell LaFlere in the Choctaw Nation? A. No sir, when she died she died at Wilson's Rock.

Q When did she die? A. After the war closed.

Q Where was the boy after she died? A. He was with her.

Q Now then, where has the boy been living since that time? A. He has been part of the time in the Choctaw Nation, working over in Fort Smith, and he worked at the Saw Mills, cutting logs and sending them down the river, and he worked for Mrs Franklin some.

Q He has been in Arkansas and everywhere since the war closed? A. He has been at several different places.

Q Lived at several places? A. He always called the Nation and considered it his home.

Q I asked you if he had not lived at different places? A (No response)

Q Has he a family? A. He has now.

Q How many children has he? A. Three.

Q He has been married sever or eight years? A. He has been married any-way that long.

Q Where did he marry? A. I dont know.

Q Is his wife a Freed woman or State woman? A. No sir, his wife belonged; you say his wife?

Q Yes, was his wife a Freed woman or State woman? A. State woman of course.

Q You dont know where he married? A. No sir.

By John F. Faulds-

Q These salt works you have heard Rachel Baker speak about in this case? A. Where she was talking about was Mackey's salt works down here by Webbers Falls right on this side of the River.

Q Have you ever seen this Rachel Baker working at these salt works cooking there? A I worked at Drew's salt works, it was Drew's salt works where I worked; I never worked at Mackey's salt works.

ELISA ROBINSON, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A. Elisa Robinson.

Q How old are you? A. The way they tell me my age is I expect I must be about 57 or 58.

Q What is your post office? A. Benjamin.

Q Benge? A. Yes sir.

Q Are you a Freedman? A. Yes sir.

By John F. Faulds:

Q Where were you living at the time of the war, when the war began? A. I dont know much about the war; ofcourse I was right smart sized girl; I dont know my own children's ages.

Q When did you first know Horace S. Norman? A. I got acquainted with him back and forth when they stayed at Flat Rock, or some rock, I staid with his mother when she was sick before she died.

Q Where did she die? A. She died out there.

Q Was that Wilson's Rock? A. Yes sir,

Q Was that in the Cherokee Nation? A. Yes sir.

Q That is where she died? A. Yes sir, where she staid she died; I was not there when she died.

Q Did you see him there? A. Yes sir, I seed him there.

Norman J. C.

- Q How long ago was that? A. As far as I can remember it has been about ten or twelve years.
- Q How big was he then, was he a man or boy? A. No sir, he was not a man.
- Q Was he grown? A. No sir, I know he was not grown.
- Q It must have been longer than ten years or twelve years ago? A. Since his mother died I was talking about.
- Q I want to know where his mother died? A. I don't know.
- Q How long after his mother died until you saw him? A. I expect about six or seven months after ~~that~~ that.
- Q And you say he was not grown then? A. I don't reckon he was, I don't know his age.
- Q But he was at that time living in the Cherokee Nation making his home? A. Yes sir.
- Q Have you known him since that time? A. Yes sir, I have seen him in the Choctaw Nation right across.
- Q Have you seen him in the Cherokee Nation? A. Yes sir.

By Mr. Davenport:

- Q Are you a recognized freedman you say of the Cherokee Nation? A. Yes sir, I guess so.
- Q Have you been enrolled? A. I never was on any rolls.
- Q You say you worked with his mother at Wilson's rock? A. I stayed with her when she was sick.
- Q How long ago was that? A. I think it has been about ten or twelve years.
- Q That Wilson Rock is on the river right there about on the line between the Choctaw Nation and the Cherokee Nation? A. Yes sir.
- Q And about ten or twelve years ago you were there at his mother's house; there was this boy living? A. He was there.
- Q Don't you know that his mother has been living since the close of the war? A. She has been dead ten or twelve years, I think, I don't remember the war.
- Q Had the war closed when she died? A. I think so; I know it was; but then now to tell you the correct year, I could not to save my life.
- Q Do you know whether or not the war was going on at the time you were there at the house? A. I know no war was going on.
- Q You can't remember the war? A. Yes sir.
- Q You were not grown during the war? A. No sir.
- Q You were a grown woman when you were at Norman's mother's house there at Wilson's Rock? A. Yes sir.
- Q Were you married at that time? A. Yes sir.
- Q And you know his mother was living since you have been a grown woman? A. Yes sir.

HERACHE S. NORMAN, the applicant, re-called, testified as follows:
Examination by Commissioner Needler-

- Q Do you want to enroll any body but yourself? A. Yes sir.
- Q Who else? A. I have got three children, three boys.
- Q What are the names of your boys? A. Harry is one.
- Q How old is Harry? A. He is about 16 years old.
- Q What is the name of the next one? A. Cairo.
- Q Is that a boy? A. Yes sir.
- Q How old is Cairo? A. 14
- Q The next child? A. The next one is named Charles, 12 years old.
- ~~XXXXXXXXXXXXXXXXXXXX~~ Q. Are you married now? A. No sir I am not married now.
- Q Is your wife living? A. No sir, she is dead.
- Q When were you married? A. I was married in the Fall of '78
- Q Where were you married? A. I was married in the State of Arkansas.
- Q Was your wife a Cherokee Freedman? A. No sir.
- Q Have you any proof of your marriage? A. Yes sir.
- Q Were you married according to the laws of Arkansas? A. I had to buy license there.
- Q Where was that? A. Place called Hillsborough.
- Q Have you got any certificate of marriage? A. Yes sir.
- Q Have you got it with you? A. I think I have.

Horace S. Norman V.

Com'r Needles- The applicant presents a marriage license issued by the authorities of the County of Union, State of Arkansas, certifying that he was married to one Miss Susan E. Rogers, on the 31st day of December, 1878.

- Q Was Susan Rogers the mother of these children? A. Yes sir.
Q Did you live with her until the time of her death? A. Yes sir.
Q Were you living in the State of Arkansas when you married her? A. No sir.
Q Living in the Cherokee Nation? A. This was my home.
Q You went over to Arkansas and married her? A. I went there with a horse drover, the horse drover got sick and I got to courting her and married her.
Q Then did you bring her to the Cherokee Nation? A. Right straight back as soon as I married.
Q These children were all born in the Cherokee Nation? A. All of them
Q Are they all living now? A. Yes sir.
Q Are their names on the rolls of the Cherokee Nation? A. None but that old rejected roll, that is all.

By J. S. Davenport:

- Q Where are the children you applied for in 1896 before the Kerns-Glifton Commission, Willy Irene, and Artie? A. They is here and Will is at South McAlister in the coal mine and the other one will be here.
Q Alice and Artie are the sisters? A. Artie is a sister of Alice.
Q You were down there with a "drover" when you got this certificate? A. Yessir.
Q Did you ever vote down there when you were there with a drover? A. You know I never voted there in the time of Christmas.
Q How long were you there? A. Six weeks.
Q Did you ever vote in the Cherokee Nation? A. No sir I never.
Q Would not allow you to vote here? A. No sir, I never voted anywhere.

Com'r Needles,-

The name of Horace S. Norman is not found upon the authenticated roll of 1880 or the census roll of 1896, or any of the rolls of the Cherokee Nation in the possession of this Commission. He applies for the enrollment of himself and three children, Harry, Gaire, and Charles. He avers that the mother of said children was Susan E. Rogers. She is now deceased. He presents satisfactory proof of marriage to Susan E. Rogers and it is filed here with. By reason of the fact that his name is not found ~~anywhere~~ upon any of the rolls and the doubtful testimony as to his citizenship, the names of Horace S. Norman, and his three children will be placed upon a doubtful card.

J. O. Reason, being first duly sworn, ~~testifies~~ states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Reason.

Horace S. Norman S.

Subscribed and sworn to before me this 26th day of April, 1901.

T. B. Needles,
Commissioner.

.....

I, Chas. von Weise, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, I made the above copy of the original transcript and that the same is a full, true and correct copy of same.

Chas von Weise

Subscribed and sworn to before me this the 26th of April, 1901, at Fort Gibson, I. T.



Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T. April, 24 th, 1901.

In the matter of the application of Irene Cannon for the enrollment of herself and one child who is living with her, named Henry ~~Norman~~ Norman as Cherokee Freedmen; she being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A. Irene Cannon.
Q What is your age? A. 20 or 21—22 that is it.
Q What is your post office address? A. Fort Gibson.
Q In what district do you live? A. ~~Washington~~ Illinois.
Q Do you apply to be enrolled as a Cherokee Freedman? A. Yes sir.
Q Have you ever applied to be enrolled as a Freedman of any other tribe or nation? A. No sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A. I dont know.
Is your name on any of the rolls of the Cherokee Nation? A. No sir not as I know of
Q Who do you want to have enrolled besides yourself? A. Myself and a child of my brothers who is living with me; my brother that is dead.
Q What is the name of this child? A. Henry Foreman.
Q Are you married? A. Yes sir.
Q What is your husbands name? A. G. K. Cannon.
Q Is he a citizen? A. No sir.
Q What is your fathers name? A. Jack Norman.
Q What is your mothers name? A. Lucy ~~Norman~~ Brown.
Q Where were you born? A. In the Cherokee Nation.
Q Was your mother a slave? A. Yes sir.
Q Who did she belong to? A. Judge Brown
Q Did you ever live outside of the Cherokee Nation? A. I have been out a time or two, never moved out, has been to Fort Smith a time or two but to say that I has lived out of the Nation, I never has.
Q What was this child, Henry Norman's father's name? A. Hudson Norman.
Q Is he living? A. No sir.
Q Was he your brother? A. Yes sir, my oldest brother.
Q What was his mother's name? A. Lucy Brown.
Q Was that Henry Norman's mother's name? A. Oh no sir that was his father's mother's name; I dont know the name of his own mother.
Q Was she a Cherokee Freedman? A. I dont know.
Q Was Hudson Norman married to her? A. I dont know that.
Q Where was he born? A. In the Cherokee Nation I guess.
Q And you dont know his mother's name? A. No sir.
Q You dont know whether she had a right or not? A. No sir I dont know. He brought the child to me and said that it was his child and that is all I knows about it.
Q And you dont know whether they were married or not? A. No sir I dont.

By John F. Faulds, Attorney for applicant:

- Q Do you know if they lived together as man and wife? A. I dont know.
Q Are you a full sister of Horace S. Norman? A. Yes sir I guess so.
Q Do you remember your mother? A. Yes sir.
Q Where did she die? A. She died up on Wilson's Neck as
Q In the Cherokee Nation? A. Yes sir.

By James Davenport: (Cherokee Representative)

- Q How old are you? A. About 21 or 22 I think.
Q Do you remember your mother? A. Yes sir.
Q You say she died after you can remember? A. Yes sir.

By John F. Faulds:

- Q You and Horace S. Norman have the same mother? A. Yes sir.
Q But not the same father? A. I dont know nothing about that I am not able to tell.

Q You dont know about that? A. No sir; we all went by the same name though.
Q Did you ever have any other name? A. I dont know, I never heard them say
Q Do you know what your father's name was? A. I dont know.
Q Was your father's name Watts? A. Yes sir I think that is the one they say—he is a half brother by same mother.

By the Commission—

Q Your mother's name was Lucy? A Yes sir.

By James Davenport -

Q You were living at Wilson's Rock when you first remember? A. Yes sir.
Q How old were you when your mother died? A. 8 or 9 I guess—no I wasn't either I was smaller.
Q But you can remember her death? A. Yes sir.

HERACE S. NORMAN, called and sworn by Com'r Needles, testified as follows:

Q What is your name? A. ~~XXXXXXXXXX~~ Herace S. Norman.
Q How old are you? A. 45.
Q What is your post office address? A. ~~XXXX~~ Fort Gibson.

By John F. Faulds.

Q This applicant that has just testified in this case, what is her name?
A Irene Watts, she is a half sister of me and my brother.
Q Your mother was her mother? A. Yes sir, same mother but not the same father.
Q Has she always lived in the Cherokee Nation? A. Yes sir.
Q Was she born here? A. Yes sir.
Q Do you remember when she was born? A. Yes sir, and I know she was born here.
Q Has she always lived here? A. Yes sir.

By James Davenport:

Q Her father lived in the Choctaw Nation didn't he? A. I dont know.
Q He was a Choctaw Freedman wasn't he? A. I dont know sir.
Q You know that he lived there before your mother and he lived together?
A Yes sir he lived there then.
Q Didnt your mother at one time live in the Choctaw Nation and belong to Dick Brown in the Choctaw Nation? A. No sir she never did belong to any body down there.

GEORGE W. VANN, called and sworn as a witness, by Commissioner T. B. Needles testified as follows:

Q What is your age? A. George W. Vann.
Q What is your age? A. 87.

By John F. Faulds.

Q Are you acquainted with this applicant? A. Yes sir.
Q Do you know who her mother was? A. Lucy Brown.
Q Same mother that Herace S. Norman had? A. Yes sir.
Q Where was she born? A. Between Wilson's Rock and Arkansas, on this side of the river.
Q In the Cherokee Nation? A. Yes sir.
Q Has she always lived here ever since? A. Yes sir, except possible to go over to Fort Smith, she lived aless there and I guess that she has gone over to Fort Smith a time or two.

By James Davenport—

Q You say she was born between Wilson's Rock and where? A. Webbers Falls

Irene Gannon 3.

ground there.

Q About when was she born? A. I don't know.

Q Was it during the war? A. About the time the war was going on.

Q Her mother died about the close of the war I believe you said a while ago? A. I didn't say she died at the close of the war.

Q Don't you know when she was born? A. Not exactly.

By the Commissioner

Q Do you know Hudson Norman? A. Yes sir.

Q He is a brother to Irene is he not? A. A half brother.

Q Do you know his wife? A. I do not.

Q Don't know that he had a wife do you? A. I do not.

Q Do you know any thing about Charles Norman, his son? A. I do not.

STENOGRAPHER'S NOTE— Here some one standing by states that the child of Hudson Norman is called Henry and not Charles as the applicant first gave it in, and the Commissioner in charge requested that it be changed accordingly from Charles to Henry where ever it so appeared in the testimony. The applicant also states here that she gave the name in wrong, that it should be Henry.

By John F. Faulds—

Q Hudson Norman was a son of Lucy Brown was he not? A. Yes sir.

Q Hudson and Horace S Norman are full brothers and both are half brothers of Irene? A. Yes sir.

HORACE S. NORMAN—recalled (Examined by Com'r Needles)

Q Did you know Hudson Norman? A. Yes sir, he was my brother.

Q Do you know Henry Norman? A. Yes sir that is his child.

Q How old is the child? A. Ten years old. not

Q Did you know the mother of Henry Norman? A. I did know her personally, she came up from the Choctaw Nation and my brother lived with her.

Q Was this child born while your brother was living with her? A. Yes sir.

Q Were they ever married? A. No sir they were not married.

Q But they lived together as man and wife? A. Yes sir.

Q They were recognized in the neighborhood as man and wife were they? A. They lived together and kept house, and he held her out as his wife.

Q And while they were keeping house there this child was born was he? A. Yes sir.

Q Is this child Henry Norman living now? A. Yes sir.

By James Dayenport—

Q With whom has it been living? A. At Fort Smith, going to school.

Q I asked with whom is it living? A. When it is home it lived with my sister.

Q His name is Henry and not Charles? A. Yes sir.

Q How long has he lived with your sister? A. Ever since my brother died.

Q When did your brother die? A. On the 14th day of February, 1897.

Q And the child is ten years old? A. Yes sir.

Q And is not going to school in Fort Smith? A. Yes sir.

By Com'r Needles, —Irene Gannon applies for the enrollment of herself and the child of her brother Hudson Norman who is now deceased. This child's name is Henry Norman, and is ten years of age. She avers that she is the daughter of Lucy Brown; her name is not found on the authenticated roll of 1830 or any of the rolls in the possession of the Choctaw Nation; neither is the name of her mother found on said rolls. She avers that the father of the said Henry Norman was Hudson Norman, her half brother through her mother and that he is now deceased, and the name of Hudson Norman is not found on any of the rolls in the possession of this Commission. It is averred that the said Hudson Norman is also the child of the said Lucy Brown, and reference is made to the testimony in her case of Horace S. Norman, Choctaw, Indian Enrollment card No. 189, which testimony will be made a part of the record in this case.

Irish Cannon 4.

The said Irish Cannon states that she is married to the Christian Cannon
a ... and that her maiden name was Cannon at ... by
... the ... as to her ... and
... set forth in ... the said Irish Cannon
and Henry Cannon, although their ... has been proven satis-
factorily, will be listed on a ... card as Christiana Cannon,
to await the further consideration of their case by this Commission.

Wm. Van Weise, being sworn states that as stenographer to the Commission
to the Five Civilized Tribes he reported in full all the proceedings in
the above case and that the foregoing is a full, true and correct trans-
cript of his stenographic notes thereof.

Chas. ...

Subscribed and sworn to before me this the 24th of April, 1901, at Fort
Sibon, I. T.



Commissioner.

Horace S. Herman 2 supplemental.

Q Judge Jim Brown never had one by that name? A No sir, only that little Lucinda that died.

Q Never had a grown woman by the name of Lucy? A No sir.

Q Do you know that fellow there, Horace Herman, the applicant? (Here attorney points to negro sitting in audience.)

A No sir, I don't know him.

Q Did you ever see him before the war? A I don't remember of ever seeing him.

Q Did Judge Jim Brown have any slave that went by the name of Herman at all? A No sir.

Q You ever remember seeing him before? A No sir, I don't remember, he might have seen me.

Q You never saw him? A No sir.

Q And you came there to the old place after the war and have lived there ever since? A Yes sir.

Q Did this applicant, Horace Herman, ever come up there since the war that you know of? A No sir.

Q Then you never knew any grown woman named Lucy Brown who belonged to Judge Jim Brown, a colored woman? A No sir, unless he owned her in Tennessee.

Q Well, I mean when the war broke out? A No sir, I don't.

Q How long had he been here from Tennessee when the war broke out?

A He came when they all emigrated here.

Q Did Judge Jim Brown have a little boy slave named Horace? A He had one named Lewis.

Q Say yes or no? A No sir.

Examined by Applicant's attorney, J. F. Faulds:

Q Had a little boy slave named Lewis Herman? A Yes sir.

Examined by Commissioner Breckinridge:

Q Did he have a boy named Lewis Herman? A No sir, Lewis Brown.

Examined by attorney J. F. Faulds:

Q You know anything about what slaves Judge Brown had before the war, back in Tennessee? A Well, him and his wife that he had in Tennessee, she had slaves, and they separated.

Q He and his wife separated? A Yes sir, when they lived in -- well that is they separated just when they came to this country. When he come when he emigrated he come by land and she come by water, and when they come to this country they didn't live together no more; she took her part of the slaves and come to Illinois District.

Q And he took his part and went where? A In Sequoyah.

Q Do you know what slaves she took with her? A Part of them.

Q Do you know all of them? A No sir, not all; the oldest ones, I know all the oldest ones.

Q She may have had a slave by the name of Lucy and you not know anything about it? A She might have; she come to Illinois here somewhere.

Q You were not as well acquainted with her slaves as you were with his slaves? A Part of them I wasn't, the oldest ones I was.

Q Not the children you didn't know? A No sir.

Q So there may have been a slave named Lucy Brown that you didn't know about? A Yes sir, might have been.

Q You came here in 1857? A Yes sir.

Q You didn't know Jack Herman? A No sir.

Q Now are talking about knowing Judge Jim Brown's slaves and his wife's slaves, you are talking about the grown up slaves?

A Here, the wife that he left and separated from.

Q You can't know the children to remember their names do you?

A The children, - they had gone.

Q But you don't remember all of them? A Oh no sir.

Hornes B. Hornes B supplemental.

Q Will do you remember, - you don't remember all of the children of either one of them, that is, of either Mr. Brown or Mrs. Brown?
A Yes sir, I know about all of Mr. Brown's slaves children.
Q But you didn't know about Mrs. Brown's slaves, about her children?
A No sir, I didn't know only what she had when they separated.
Q Where did you up you lived time of the war? A On Lee's Creek, Sequoyah.
Q What was when the war broke out? A Yes sir.
Q How long after did you live there? A In '68 we came to Flint, District, we came there in April and staid until September in the fall of the year, and we came home then.
Q Went back to Lee's Creek? A Yes sir, and have been there ever since.
Q You don't pretend to know all the people that lived in Sequoyah District do you? A I know a good many, but I don't know all.

Examined by Cherokee Representative, H. W. Hastings:

Q Now Judge Jim Brown and this wife that he separated from in Tennessee, never lived together any more after they came here?
A No sir.
Q From about 1857 to 1862 somewhere along there, along about that time? A Yes sir.
Q You the slaves you have named were all the slaves that Judge Jim Brown owned? A Yes sir, them what I named.
Q You don't know all the slaves that his former wife owned, from when he separated? A No sir, I know some of them, the oldest ones.

Examined by attorney, J. P. Paulin:

Q How far did you live from Judge Jim Brown at the time of the war? A Little over a quarter.
Q And have you named these slaves? A You mean the slaves he had with him? A Yes sir.
Q He may have had other slaves hired out to people? A No sir, he never had nary one hired out; he was a Union man; he took his slaves with him.
Q He took his slaves with him where? A North.
Q At the time of the war? A Yes sir.
Q But I say before the war he may have had slaves hired out that you didn't know anything about? A No sir.
Q You were familiar with his business? A I was right there.
Q Did he always tell you what slaves he had? A Why I know what slaves he had.
Q You know what slaves he had with him? A Yes sir.
Q But he could have had slaves who were there with him that you didn't know couldn't he; that didn't go with him, but that were hired out and not living with him? A No sir, he never had none hired out.
Q How do you know? A I reckon I know, I was there.
Q But they wouldn't be there, they would be away in the distance; now do you undertake to swear that Jim Brown couldn't have had slaves hired out twenty miles away or forty miles away? A Yes sir.
Q How do you know? A Oh really!
H. W. Hastings, Cherokee Rep's, objects to interrogatories.
Q By what means do you know that Jim Brown didn't have slaves that were not living with him, slaves that have been hired out, and working in a different part of the county although from where you were living and from where he was living? A (No reply.)

Examined by Commissioner Breckinridge:

Q How long was your stay in here? A Yes sir.
Q How long a member of the family? A Yes sir.
Q And how do his business as a member of the family would happen to know? A Yes sir.

Examined by attorney, J. F. Faulds:

- Q Did you live with him? A Lived with him until I married.
Q When did you marry Mrs. Seabell? A I couldn't tell you exactly what time.
Q Was it before the war or after the war? A Before the war.
Q You didn't live with him after the war? A No sir, he died during the war.
Q How long before he died did you marry? A I couldn't tell you exactly.
Q Was it three or four years or a dozen years? A I couldn't say.
Q You had four children before he died didn't you? A Yes sir.
Q Then you must have been married from six to eight years before he died weren't you? A (No reply.)

Examined by Commissioner Breckinridge:

- Q How long before the war did Judge Jim Brown die? A He died during the war.
Q Well now, after you married how far did you live from him? A Little over a quarter.
Q So you really were living just by him even after you married?
A Yes sir.
Q And you were right there in his house pretty much all the time, I suppose? A I was there nearly every day.
Q I understand you to say that your step-father, James Brown, did not own any slave woman by the name of Lucinda, you say he did not, is that it? A Yes sir. Not as I remember.
Q How he separated from his former wife? A Yes sir.
Q That was back at the time the Sherkeys came to this country?
A Yes sir.
Q And she took some of the slaves and went away? A Yes sir, took hers.
Q And you knew all of the grown up slaves did you, that she took?
A Yes sir.
Q Well did you know all the children as well at that time? A Some of them.
Q And you don't remember any child or grown up person named Lucy?
A No sir.
Q Do you remember about how many slaves she took with her? A No sir, I don't, they had a good many.
Q Did she have as many as 15 or 20? A She had more than that.
Q Did she have as much as 200? A Yes sir, I think she did.

Examined by Attorney, J. F. Faulds:

- Q You say that Jim Brown and his wife separated shortly after they emigrated to this country? A I said she never lived together, she came by water, in the boat, and he came by land, he came first and she came last, and they never lived together any more.
Q Do you know whether or not Jim Brown ever owned a slave named Lucinda? A None but that little child and it died.
Q That was the only one? A Yes sir.
Q How many slaves did you say he had? A I named over their names.
Q Well, count them up and see how many there was? A (No reply)

Examined by Commissioner Breckinridge:

- Q Did he have about the same number that his wife took off? A She had more than he did.

Examined by attorney, J. F. Faulds:

- Q What was Jim Brown doing when you knew him, for a living?
A Farming.
Q How many acres would he farm? A I couldn't tell you, I was

- just a little girl growing up, 12 years old.
- Q When he died? A Before the war.
- Q I understand you to say he died during the war? A Yes sir.
- Q You had been married and had four children when he died? A Yes sir.
- Q You don't know how many acres he was farming? A No sir.
- Q But you think you know how many slaves he had; well what were his slaves doing; what were they working at when the war came up?
- A They farmed.
- Q Well, about how many acres, big farm or small farm? A Had a large farm.
- Q I thought you said awhile ago you didn't know what kind of a farm it was, whether it was large or small? A I didn't say how many acres he had.
- Q How many female slaves had he? A Well there was Susie and Ibbie and Rosa and Martha and Mary and Susie again, little Susie, and Mira and Nan and one that died just before the war.
- Q That's eight female slaves; were there that many males? A No sir, Dave and a boy we called little Dave.
- Q That's two? A Charley, Pompey, Lewis, Testa.
- Q Six; you think of no more? A (No reply).
- Q Now come right down to it, Mrs. Seabolt, you don't know of your own knowledge, as a matter of fact, that Jim Brown didn't have some slaves that were not living with him did you? A All the slaves he had was there at home with him.
- Q Well now how do you know that? A (No reply.)

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M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green.

Subscribed and sworn to before me this April 30, 1901.

T. B. Headles,

Commissioner.

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George H. Lesley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes he copied the above and foregoing from the original thereof, and that the same is true and correct, as he verily believes.

George H. Lesley

Subscribed and sworn to before me this 27th day of August, 1901.

Edward M. Jones
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Ft. Gibson, I. T., April 29, 1901.

In the matter of the application of Horace B. Nerman for enrollment as a Cherokee Freedman,
Nancy Ann Sebolt being sworn and examined by Commissioner Breckinridge, testified as follows:

Com'r Breckinridge: Present, attorney of the Cherokee nation; and also applicant and his attorney.

- Q Give your full name? A Nancy Ann Sebolt.
Q How old are you? A About 74.
Q What is your post-office? A Uniontown, Arkansas.
Q Do you live in the Cherokee nation? A Yes sir, six miles from the State line.
Q In what district do you live? A Sequoyah.

Examined by Cherokee Representative, W. W. Hastings:

- Q Did you live in the Cherokee nation before the war? A Yes sir.
Q Where did you live when the war broke out, just before the war?
A In Sequoyah.
Q Near the same place you now live? A Right there where I live now.
Q What was your own father's name? A James Conrad.
Q What was your step-father's name? A James Brown. Judge James Brown; he had been a judge.
Q They called him Judge Brown? A Yes sir.
Q Were you married before the war? A Yes sir.
Q How how far was you living from Judge Jim Brown when the war broke out? A Little over a quarter.
Q Were you living with your mother when Judge Jim Brown married her, had you married yet? A They were married on the road coming from Tennessee when the Cherokees emigrated here.
Q Were you married then? A No sir. I was going on 12 years old.
Q Then you lived with them sometime after they were married? A Yes sir.
Q You knew Judge Brown, your step-father, well? A Yes sir, he raised me.
Q How did you know Judge Brown's slaves? A Yes sir.
Q You knew about how many did he have? A I can call their names.
Q Well just call them all off? A Didn't ones was Susie and Dave, he was the old man, it wasn't her man though; and Ibbie and Sam, Martha, Mary and Ibbie and Rosa's children, they were small. Ibbie's children was a little boy called Lewis, and she was named Jefferson; they always called him by Cherokee name, Teenta, and Susie, little girl named Susie, named after her grandmother, and Sam, she was a little girl, and Rosa's children was Nancy, and Hira and Lavinia, and she died when she was little.
Q But Lavinia that died was just a small child about how old?
A She wasn't walking good, then there was three boys, little Dave they called him, old man was named Dave, and Charlie and Jerry.
Q How you have named them all have you? A Yes sir.
Q How at the time the war came up did Judge Brown own a woman slave by the name of Lucy, that was my grandmother, and her children? A No sir.
Q Then did you ever know a slave woman named Lucy Nerman? A No sir.

Horace S. Norman 2 supplemental.

Q Judge Jim Brown never had one by that name? A No sir, only that little Lucinda that died.

Q Never had a grown woman by the name of Lucy? A No sir.

Q Do you know that fellow there, Horace Norman, the applicant? (Here attorney points to negro sitting in audience.)

A No sir, I don't know him.

Q Did you ever see him before the war? A I don't remember of ever seeing him.

Q Did Judge Jim Brown have any slave that went by the name of Norman at all? A No sir.

Q You ever remember seeing him before? A No sir, I don't remember; he might have seen me.

Q You never saw him? A No sir.

Q And you came there to the old place after the war and have lived there ever since? A Yes sir.

Q Did this applicant, Horace Norman, ever come up there since the war that you know of? A No sir.

Q Then you never knew any grown woman named Lucy Brown who belonged to Judge Jim Brown, a colored woman? A No sir, unless he owned her in Tennessee.

Q Well, I mean when the war broke out? A No sir, I don't.

Q How long had he been here from Tennessee when the war broke out?

A He came when they all emigrated here.

Q Did Judge Jim Brown have a little boy slave named Horace? A He had one named Lewis.

Q Say yes or no? A No sir.

Examined by Applicant's attorney, J. F. Faulds:

Q Had a little boy slave named Lewis Norman? A Yes sir.

Examined by Commissioner Breakinridge:

Q Did he have a boy named Lewis Norman? A No sir, Lewis Brown.

Examined by attorney J. F. Faulds:

Q You know anything about what slaves Judge Brown had before the war, back in Tennessee? A Well, him and his wife that he had in Tennessee, she had slaves, and they separated.

Q He and his wife separated? A Yes sir, when they lived in -- well that is they separated just when they come to this country. When he came when he emigrated he came by land and she came by water, and when they came to this country they didn't live together no more; she took her part of the slaves and come to Illinois District.

Q And he took his part and went where? A In Sequoyah.

Q Do you know what slaves she took with her? A Part of them.

Q Do you know all of them? A No sir, not all; the oldest ones, I knew all the oldest ones.

Q She may have had a slave by the name of Lucy and you not know anything about it? A She might have; she come to Illinois here somewhere.

Q You were not as well acquainted with her slaves as you were with his slaves? A Part of them I wasn't, the oldest ones I was.

Q But the children you didn't know? A No sir.

Q So there may have been a slave named Lucy Brown that you didn't know about? A Yes sir, might have been.

Q You came here in 1857? A Yes sir.

Q You didn't know Jack Norman? A No sir.

Q You are talking about knowing Judge Jim Brown's slaves and his wife's slaves, you are talking about the grown up slaves?

A Here; the wife that he left and separated from.

Q You don't know the children to remember their names do you?

A The children, -- they had some.

Q But you don't remember all of them? A Oh no sir.

Horace B. Herman 3 supplemental.

Q Well do you remember, you don't remember all of the children of either one of them, that is, of either Mr. Brown or Mrs. Brown?

A Yes sir, I know about all of Mr. Brown's slaves children.

Q But you didn't know about Mrs. Brown's slaves, about her children? A No sir, I didn't know only what she had when they separated.

Q Where did you say you lived time of the war? A On Lee's Creek, Sequoyah.

Q That was when the war broke out? A Yes sir.

Q How long after did you live there? A In '62 we came to Flint, District; we came there in April and staid until September in the fall of the year, and we come home then.

Q Went back to Lee's Creek? A Yes sir, and have been there ever since.

Q You don't pretend to know all the people that lived in Sequoyah District do you? A I know a good many, but I don't know all.

Examined by Cherokee Representative, E. W. Hastings:

Q Now Judge Jim Brown and this wife that he separated from in Tennessee, never lived together any more after they came here?

A No sir.

Q From about 1837 to 1858 somewhere along there, along about that time? A Yes sir.

Q Now the slaves you have named were all the slaves that Judge Jim Brown owned? A Yes sir, them what I named.

Q You don't know all the slaves that his former wife owned, from whom he separated? A No sir, I know some of them, the oldest ones.

Examined by attorney, J. P. Paulder:

Q How far did you live from Judge Jim Brown at the time of the war? A Little over a quarter.

Q And have you named these slaves? A You mean the slaves he had with him? A Yes sir.

Q He may have had other slaves hired out to people? A No sir, he never had nary one hired out; he was a Union man; he took his slaves with him.

Q He took his slaves with him where? A North.

Q At the time of the war? A Yes sir.

Q But I say before the war he may have had slaves hired out that you didn't know anything about? A No sir.

Q You were familiar with his business? A I was right there.

Q Did he always tell you what slaves he had? A Why I know what slaves he had.

Q You knew what slaves he had with him? A Yes sir.

Q But he could have had slaves who were there with him that you didn't know couldn't he; that didn't go with him, but that were hired out and not living with him? A No sir, he never had none hired out.

Q How do you know? A I reckon I know; I was there.

Q But they wouldn't be there, they would be away in the distance; now do you undertake to swear that Jim Brown couldn't have had slaves hired out twenty miles away or forty miles away? A Yes sir.

Q How do you know? A (No reply.)

E. W. Hastings, Cherokee Rep'v, objects to interrogatories.

Q By what means do you know that Jim Brown didn't have slaves that were not living with him, slaves that have been hired out, and working in a different part of the country although from where you were living and from where he was living? A (No reply.)

Examined by Commissioner Breckinridge:

Q Jim Brown was your step-father? A Yes sir.

Q You were a member of the family? A Yes sir.

Q And know of his business as a member of the family would happen to know? A Yes sir.

Examined by attorney, J. F. Faulds:

- Q Did you live with him? A Lived with him until I married.
Q When did you marry Mrs. Seubelt? A I couldn't tell you exactly what time.
Q Was it before the war or after the war? A Before the war.
Q You didn't live with him after the war? A No sir, he died during the war.
Q How long before he died did you marry? A I couldn't tell you exactly.
Q Was it three or four years or a dozen years? A I couldn't say.
Q You had four children before he died didn't you? A Yes sir.
Q Then you must have been married from six to eight years before he died weren't you? A (No reply.)

Examined by Commissioner Brockbridge:

- Q How long before the war did Judge Jim Brown die? A He died during the war.
Q Well now, after you married how far did you live from him? A Little over a quarter.
Q So you really were living just by him even after you married? A Yes sir.
Q And you were right there in his house pretty much all the time, I suppose? A I was there nearly every day.
Q I understand you to say that your step-father, James Brown, did not own any slave woman by the name of Lucinda, you say he did not, is that it? A Yes sir, not as I remember.
Q How he separated from his former wife? A Yes sir.
Q That was back at the time the Cherokees came to this country? A Yes sir.
Q And she took some of the slaves and went away? A Yes sir, took hers.
Q And you knew all of the grown up slaves did you, that she took? A Yes sir.
Q Well did you know all the children as well at that time? A Some of them.
Q And you don't remember any child or grown up person named Lucy? A No sir.
Q Do you remember about how many slaves she took with her? A No sir, I don't, they had a good many.
Q Did she have as many as 15 or 20? A She had more than that.
Q Did she have as much as 200? A Yes sir, I think she did.

Examined by Attorney, J. F. Faulds:

- Q You say that Jim Brown and his wife separated shortly after they emigrated to this country? A I said they never lived together, she came by water, in the boat, and he came by land, he came first and she came last, and they never lived together any more.
Q Do you know whether or not Jim Brown ever owned a slave named Lucinda? A No sir, but that little child and it died.
Q That was the only one? A Yes sir.
Q How many slaves did you say he had? A I passed over their names.
Q Well, about them up at see how many there was? A (No reply.)

Examined by Commissioner Brockbridge:

- Q Did he have about the same number that his wife took off? A She had more than he did.

Examined by attorney, J. F. Faulds:

- Q What was Jim Brown doing when you knew him, for a living?
A Farming.
Q How many acres would he farm? A I couldn't tell you, I was

Ernest S. Norman supplemental 3

just a little girl growing up, 12 years old.

Q When he died? A Before the war.

Q I understand you to say he died during the war? A Yes sir.

Q You had been married and had four children when he died? A Yes sir.

Q You don't know how many acres he was farming? A No sir.

Q But you think you know how many slaves he had; well what were his slaves doing; what were they working at when the war came up?

A They farmed.

Q Well, about how many acres, big farm or small farm? A Had a large farm.

Q I thought you said awhile ago you didn't know what kind of a farm it was, whether it was large or small? A I didn't say how many acres he had.

Q How many female slaves had he? A Well there was Susie and Fbbie and Rosa and Martha and Mary and Susie again, little Susie, and Mira and Nan and one that died just before the war.

Q That's eight female slaves; were there that many males? A No sir, Dave and a boy we called little Dave.

Q That's two? A Charley, Pompey, Lewis, Tosta.

Q Six; you think of no more? A (No reply).

Q Now come right down to it, Mrs. Seabolt, you don't know of your own knowledge, as a matter of fact, that Jim Brown didn't have some slaves that were not living with him did you? A All the slaves he had was there at home with him.

Q Well now how do you know that? A (No reply.)

-----oO-----
M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green.

Subscribed and sworn to before me this April 30, 1901.

T. B. Needles,

Commissioner.

-----oO-----
George H. Lesley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes he copied the above and foregoing from the original thereof, and that the same is true and correct, as he verily believes.

George H. Lesley

Subscribed and sworn to before me this 25th day of August, 1900.

Edward Merrick
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 25, 1901.

In the matter of the application of Horace S. Norman for enrollment as a Cherokee Freedman.

Supplemental testimony on part of the applicant.

Appearances:

J. F. Faulds, attorney for the applicant;
W. W. Hastings, of counsel for Cherokee Nation.

Commissioner: State what you desire to prove.

Mr. Faulds: It is simply additional testimony as to residence in the Cherokee Nation. I will state that I never understood the testimony was to be disputed.

Mr. Hastings: Come now the representatives of the Cherokee Nation and protests against the taking of this testimony, for the reason that testimony was heard here last April and the case submitted, and there has been six months that the case has been held open.

JOHN McDONALD, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A John McDonald.

Q How old are you? A 56 years old.

Q What is your postoffice address? A Benge.

Mr. Faulds: Do you know the applicant, Horace S. Norman, Mr. McDonald? A Yes, sir.

Q When did you first know him? A I first got acquainted with him, in Fort Gibson here, in the year of 1866, when I first got acquainted with him.

Mr. Hastings: That is not on the question of residence, it is an absolutely unfair statement to the Court.

Commissioner: He will lead it up to the residence I suppose: go on with it.

Q Do you know where he has resided since 1866? A In the Cherokee Nation.

Q I would like to ask the question, while I think of it, I don't know whether he knows, if you know to whom this Horace S. Norman belonged, whether he was a slave.

Commissioner: I thought that has been proved two or three times: well ask him the question.

Q Do you know whether or not Horace S. Norman was a slave before the war? A Well, it was so said --

Commissioner: Do you know, I want what you know?

A I can't tell, but I got acquainted with him here in the year 1866.

Mr. Hastings: Where did you live in 1866? A I was right here, sir.

Q You were here? A Yes, sir.

Q Where have you been since? A I been right here in the Cherokee Nation ever since.

Q Where do you live? A Been living twenty-three years down here in Sequoyah district.

Q At what point? A A point on this side of Fort Smith three miles.

Q You have lived there twenty-three years? A Yes, sir.

Q Where did you go from there? A I came from up on this side of Coffeyville, Kansas, on Big Creek.

Q How long did you live on Big Creek? A I lived there all the time.

Q How long did you live there? A I suppose I lived twenty odd years.

Q Right there on Big Creek? A Yes, sir, on Big Creek on old Charles Journeyoke's and at Bartles' Mill.

Q You lived there twenty odd years? A Yes, sir.

Q And you have lived down here 25 years? A Yes, sir.

Q Then you were on Big Creek and in Sequoyah district 45 years?

- A Yes, sir, I never have been out of the Nation all the while, I haven't been out of the Nation, I have been here all the time.
- Q That has been since '66? A Yes.
- Q In '66 did you live in the Cherokee Nation? A I might have.
- Q Are you an applicant for citizenship? A I am a witness.
- Q Are you an applicant? A Yes, sir.
- Q Is Horace going to be one of your witnesses? A I don't know.
- Q You haven't got them yet? A Horace, yes he is one of my witnesses.
- Q And you are a witness for him? A Yes, sir.
- Q What year did you go to work for Journeycake? A I don't know what year it was, in about the year '66.
- Q That was the year you went to work for Journeycake? A Yes, sir.
- Q Was it the same year you saw Horace Norman down here? A Yes, sir, I was backwards and forwards down here.
- Q And the year you were working for Charley Journeycake was the same year you saw Horace Norman here in Fort Gibson in '66? A Yes, sir.
- Q You are positive of that? A Yes, sir.
- Q You know that as well as you know anything? A I am confident of it.
- Q Was Charley Journeycake a Delaware? A Yes, sir, he used to be the chief.

GREEN BEAN, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Green Bean.
- Mr. Faulds: How old are you? A About 65.
- Q What is your postoffice address? A Well, just at different places, sometimes Fort Smith and sometimes --
- Q What is your postoffice address now? A Muskogee.
- Q Do you know Horace B. Norman, the applicant? A ~~XXXXX~~ A little acquainted with him.
- Q When did you first know him? A I was acquainted with him directly after the war.
- Q How long after the war? A Well in a short time.
- Q About how long? A I don't know, about a year I reckon, something near that, I can't certify the exact date.
- Q Where was he living then? A He was living near Webbers Falls at that time.
- Q In the Cherokee Nation? A Yes, sir.
- Q Do you know where he has been living ever since? A Yes, sir, according to my mother I think he has been living in the Cherokee Nation ever since, but I am not seen him at all times.
- Q Well, how often have you seen him? A Well, I have used him a great many times, but it was generally of a Sunday.
- Q Are you a minister? A That is what they claim; I have been preaching up and down the line.
- Mr. Hastings: Were you ever tried in the courts for anything? A Never
- Q Who did you belong to before the war? A Bean.
- Q Where did they live? A Well, they first lived here at Webbers Falls.
- Q You are an applicant for citizenship? A Well, I don't know hardly whether I am or not.
- Q Is Horace one of your witnesses? A I reckon he would be if I would call on him.
- Q John McDonald the other? A No, sir.
- Q You haven't arranged that yet? A No, sir, not yet, maybe I can arrange it directly.
- Q You live at Muskogee now? A Yes, sir.
- Q When did you come from Van Buren? A When did I come from Van Buren; I don't recollect exactly, I came through Van Buren last winter I think it was.
- Q Where has you been? A Where had I been; I had been way down

in Arkansas.

Q Preaching? A Yes, sir.

Q Where is your family? A Where is my family; my wife is here, let's see, I don't know exactly what place.

Q In Arkansas though? A It is in Arkansas, yes, sir.

Q You and your wife never did live in the Cherokee Nation?

A Didn't we?

Q Did you or not? A Yes, sir, I have.

Q When have you ever lived here? A Why, we lived here in '65.

Q That the last time? A That is the last time.

Q And yet you are an applicant for citizenship yourself? A Yes, sir, oh yes sir.

Q That is the last time you were in the Cherokee Nation, in '65?

A No, sir, I didn't say that.

Q Where was Horace Norman when you saw him then? A When I first saw him; I was here near Webbers Falls.

Q Who was he living with? A With his mother at that time.

Q What is his mother's name? A I don't recollect exactly what her name was.

Q Did he have any brothers? A I think he had one, I don't recollect his name, it was small.

Q How old was Horace at that time? A I don't know, I never heard how old he was, he was a small boy.

Q He wasn't married then? A I guess not, he was a small boy, looked like to me about five or six years of age.

Q What sort of a house were they living in? A Well I don't recollect what kind of a house.

Q Were they living in town? A In town; no, sir.

Q What side of Possum Creek were they living on? A I don't know anything about that.

Q Was there any stream down there at all, near where they were living? A Well, I don't recollect whether there was a stream right close there they were living or not, I don't recollect.

Q You never saw any stream around there.

A I wont say I didn't, I wont say I did, I went down there and preached.

Q Where did you preach? A I, preached in some kind of a little house.

Q At what place? A On Browns.

Q Was that at Webbers Falls? A Yes, sir.

Q Where did you go to preach from? A I went from right up there about Fort Smith, right in there, well they called it the Destroyer.

Q The Destroyer District? A Yes, Destroyer District.

Q How far did you have to go to preach from Fort Smith to Webbers Falls, the distance? A I don't know how far.

Q As much as five miles? A Yes, sir, more than five.

Q Well, your best judgment? A Well, it was near a days travel.

Q You never crossed any streams? A Yes, I crossed streams.

Q Was there any streams near Webbers Falls? A Well I think a stream was pretty close, but I will not certify where it was, how far.

Q You don't remember what stream it was? A No, sir, I don't recollect now.

Q You don't remember his mother's name? A No, sir, I have forgot it, I don't know it, I slightly knew her name but I will not certify it now because a man in that length of time is liable to forget names.

Q What sort of a church did you preach in? A A small one.

JOHN McDONALD, recalled for additional cross examination, testified as follows:

Mr. Hastings: Where did you see this applicant first after the war, Horace Norman? A The first I seen him up there at Fort Smith, Gibson.

Q Living in town? A Yes, sir, working down here in town.

-4-

Q Did you see his mother? A Yes, I seen her.

Q Did they have any other members of the family? A Well, they had a boy but I have forgot what his name was, she had two children.

Q His father here? A No, his father was dead.

Q He was dead? A Yes, sir.

Q Where were they living? A Well, I don't know where they were living when I seed her she was working here in town.

Q Well, there was a good many people here in town? A Yes, sir, but I don't know who she was working for.

Q There was a good many people here in town? A Yes, sir.

Q Some of them living here yet? A Yes, sir.

Q Some of the people living there then? A Yes, sir; I believe she was making her home with old Aunt Nancy Thornton.

Q You know that she is dead now? A Yes, I know she is dead.

Q You are certain of that? A Yes, that makes no difference about that.

Q What year was that? A In the year 1866.

Q Was it in the spring or fall? A In the spring.

Q In the early spring? A I think it was about along in May.

Q You came down from Charley Journeyvake's? A Yes, I was down from Charley Journeyvake's, going backwards and forwards all the time.

Q You came from there that spring? A Yes, sir.

Q You were herding cattle for him? A No, sir, I was making rails for him.

Q Where did you join the army; were you in the army during the war? A Yes, I was in the army.

Q Where did you join? A Where did I join; well when I left here I went away from here and I joined the army in the old country, I run away from here when I was a boy and then came right back, I came back, I was here in the year 1866; you see that was the United States business, we—

Q Where did you join? A That makes no difference.

Commissioner: Where did you join the army? A I joined in Ohio, run away.

Q What company? A Company D, 27th U.S.

Mr. Paulds: When was that you joined the army? A I can't tell when it was, it was during the time of the war, I don't know, I was a little boy you know.

Q During the war between the north and south? A Yes, sir, and I went away, but I sure came back in here in time.

Mr. Hastings: The representatives of the Cherokee Nation desire to call attention to, the date of the Delaware Agreement, entered into on April 8, 1867.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones
Sworn to and subscribed before me this the 9th of October, 1901

M. D. Green
Notary Public.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., AUGUST 24, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of HORACE S. NORMAN ET AL., as Cherokee freedmen.

APPEARANCES:

For Applicants, Neal & London.

For the Cherokee Nation, W. W. Hastings.

HARKWELL H. HOUSTON, being first duly sworn, testified as follows:

BY MR. HEAL:

- Q What is your name? A Harkwell H. Houston.
- Q How old are you? A I was 71 the 21st of this last June.
- Q Where do you live? A Down in Sequoyah District.
- Q What is your post office address? A Redland, Indian Territory.
- Q Are you acquainted with Horace S. Norman? A Yes sir.
- Q How long have you known him? A I have known him a good many years.
- Q Did you know his mother before him? A Yes sir.
- Q When did you first know his mother, first see his mother, about when? A It was in 1860, I suppose, it was the year President Lincoln was elected, in that year I know.
- Q Well, what was his mother's name if you remember? A Lucy, I think Lucy Brown she was called.
- Q Do you know who she belonged to before the war in 1860? A I suppose she belonged to Brown.
- Q What Brown? A Jim Brown.
- Q Why do you suppose she belonged to Jim Brown? A Because she was there to work. I was kinder afraid to be in here, of course I had -----
- Q You were a free negro? A Yes sir, and had an object coming here to find the Browns. I was a Brown, you can see it on my application, and I come in here then and I was afraid to be seen, I was a slave here as well as back yonder.
- Q You say you came in here in 1860? A Yes sir, I came in here and saw the woman.
- Q You went up to Judge Brown's when you came in? A I did.
- Q You came from Tennessee was it? A Yes sir.
- Q And you went up to Brown's place in 1860? A Yes sir.
- Q And you saw this woman there? A Yes sir.
- Q She was reputed to be a slave of Brown, and worked for Brown at that time? A Yes sir.
- Q Did you see her off and on then until the war of the rebellion?
- A No sir, I didn't see her.
- Q When did you leave there? A I didn't stay there very long, I found Judge Vann and Green Johnson.
- Q And you went to, -----? A George Vann.
- Q Did you see her later after that, at other times? A No sir.
- Q Did you see her after the war? A No sir, I didn't.
- Q Did you see Horace here? A Yes sir.
- Q How big was Horace when the war broke out? A He was a child.
- Q How long after the war was it before you saw him? A I saw him in '66.

- Q Immediately after the surrender? A No sir, not immediately the surrender was on the 9th of April, 1865, and this was in 1866, I come home and it was in the fall at that.
- Q Have you seen him off and on since then? A Yes sir.
- Q Is he the same boy that was the son of Lucy Brown who was the slave of Judge Brown? A Yes sir.
- BY MR. HASTINGS:
- Q What time in the year did you go to Judge Jim Brown's house the first time? A I went there, I think it was in May, 1860.
- Q Where was Judge Jim Brown living at that time? A Up on Lee's Creek.
- Q And that was the place that you saw Horace Norman, the applicant, and his mother Lucy? A Yes sir.
- Q They were living there on Lee's Creek? A Yes sir.
- Q What kind of a house was Judge Jim Brown living in? A I don't really know, I think it was a hewed log house.
- Q One room? A I don't know how many rooms, but I rather think,---- you see I went there to keep out of sight.
- Q How long did you remain there? A I didn't remain there long.
- Q An hour? A I think I did remain there an hour or over an hour.
- Q Two hours? A I stayed all night.
- Q Just stayed all night? A I stayed all night there for something like a week.
- Q You stayed around there about a week? A Yes sir, but I didn't stay around there in the day time.
- Q You stayed around at night? A Yes sir.
- Q Put a ring that time you of course got acquainted with Judge Brown? A No sir.
- Q Did you ever see Judge Brown? A I never seen him only once at a distance.
- Q How long a distance, a quarter of a mile? A O, no sir.
- Q About how far? A I don't know, I was on the place and he was on the place.
- Q About how far off did you see him? A I didn't pay no attention to that.
- Q Never paid any attention to it? A Not the distance, of course, I never thought anything about that.
- Q Put you remember of having seen him? A Just seen him, he was kinder walking sideways, they said that was the old boss.
- Q About how old was Horace Norman when you saw him in 1860? A He was a baby.
- Q A year or two years old? A I don't know.
- Q Was he in his mother's arms? A She would take him up and handle him when he was around.
- Q He would be under two years old? A I aint going to be exact because I can't.
- Q Might he have been nursing? A He might have been and he might have not.
- Q He was between 6 months and 3 years old? A Yes sir, somewhere along there.
- Q Not over that? A I don't think it would have been.
- Q Anyhow playing in his mother's lap? A Yes sir? I don't know whether I noticed whether he could walk or not.
- Q Did you know Horace's father? A I didn't see his father while I was there.
- Q Did you ever see his father? A I don't think I ever saw him.
- Q And you think Judge Brown had a hewed log house? A I think so, I don't propose to know because I had enought to do to keep care of myself.

- Q What direction did Judge Brown's house face, the east, west, north, or south? A I don't know.
- Q Did he have a well or spring? A I don't know that, I had no occasion to know it.
- Q Did he have any farm in connection with his house? A There was a little farm there around the house. That is I seen some part of the farm, I never went over that, when I went out of the house I went into the woods.
- Q Did you see any farm there at all? A I don't know, it appears to me like I did, I don't know whether it was a cattle farm or nothing as I told you when I went away from the house I went into the woods.
- Q Did Judge Brown have any other slaves that you got acquainted with? A No sir, I seed some there but I don't think,--I don't know whether they belonged to him or not, never had no talk with them.
- Q Did he have any colored men around there? A I seed none of them.
- Q You never saw any of them yet you stayed around there about a week at nights? A Yes sir.
- Q You saw some colored women but you don't know their names? A No sir.
- Q How many? A One or two I think.
- Q Did they sleep in the same house Judge Brown did? A I don't know whether they did or not.
- Q Where did you sleep? A In the cabin.
- Q In the house Judge Brown lived in? A No sir, with this woman Lucy, where she stayed.
- Q Was that the same house Judge Brown stayed in? A No sir, a cabin there.
- Q What direction was Judge Brown's house from this cabin? A I couldn't tell you.
- Q North, east, south or west? A I don't know.
- Q About how far was the main house from the cabin? A Well, now I can't tell you that.
- Q Well was this house on a high hill or was it on the prairie, or was it in the flat woods or was it in the bottom, what kind of land around it? A It looked to me like it was poor.
- Q What kind of land, prairie land? A There was some woods there.
- Q Was it thin woods, what you would call prairie woods, little strips of timber over it? A Thin woods I call it.
- Q Did you find any streams there, any rivers? A No sir, I didn't see any rivers.
- Q No streams of any kind? A No sir, not about the house.
- Q None near there? A Lee's Creek was near there.
- Q How far was Lee's Creek from Judge Brown? A That would be something,--I didn't measure it, I didn't pay no attention to it.
- Q Was it then 5 miles? A Yes sir, it was less than 5 miles, must have been.
- Q About how far, your best judgment? A I don't know, I hate to tell you nothing I can't tell.
- Q Do you positively swear that you saw Lee's Creek when you went up there? A I crossed it.
- Q How far was it from this place of Judge Brown's? A I couldn't tell you I crossed about 3 or 4 miles above Van Duren, and I went some good ways before I got to his house.
- Q You didn't see Lee's Creek within 10 miles of his house? A I couldn't tell you about that.
- Q And you didn't see it when you left there? A Yes sir.
- Q About how far after you left Brown's before you saw it? A I don't recollect about that, I came down to this place you call Runy, I came down that way but I don't know how far it was.

- Q Your best judgment? A You know a man can't have much judgment about that.
- Q You ought to have some idea about how far it was? A I couldn't say, may be it was 3 or 4 miles, it might have been that, I can't tell.
- Q Now that is as much as you know of that location is it? A Yes sir, for I never paid no attention to it.
- Q Was there any yard fence around Judge Brown's house? A Yes sir.
- Q Any trees in the yard? A I think there was, I am not certain, I paid no attention to it.
- Q You don't know what direction his house faces? A I do not know.
- Q What was Judge Brown's wife's name? A I don't know whether he had a wife.
- Q Did he have one? A I don't know.
- Q Did Judge Brown have any children there? A I don't know as he had any child.
- Q Do you swear he did or didn't? A I couldn't swear that at all.
- Q How did you get up there? A By direction of ~~an~~ other people I went there, this woman taken care of me as I asked her.
- Q Were you related to her? A Not a bit.
- Q You had never seen her before? A No sir.
- Q How did you come from Tennessee to Van Buren? A I come on a boat part of the way.
- Q Where did you get off? A At Van Buren.
- Q Who directed you to Judge Brown's house? A I found that out before I left Tennessee.
- Q And you knew where he lived? A I don't know but I was told ~~how~~ where he lived.
- Q You didn't inquire in Van Buren because you knew when you left Tennessee? A I didn't need to inquire because I was told to hunt somebody out of the town and find such a man by the name of Brown.
- Q What did you hunt Judge Brown for? A To find this woman that they give me the name of.
- Q To whom did she belong to before? A Before when.
- Q Before she belonged to Judge Brown? A I don't know.
- Q How did you get the name of this woman? A The parties that give me the name, they are the ones that told me her name.
- Q Who was it told you that? A The Browns back yonder.
- Q How old was Lucy Brown when you saw her in 1860? A She was a young woman.
- Q About what age? A She might have been 18 may be 20, somewhere along there, I don't just know her age.
- Q Don't you know as a matter of fact Judge Brown came to the Cherokee Nation in 1837? A Yes sir.
- Q And that therefore if this woman belonged to Judge Brown at that age, and she was about the age you indicate, that she would have had to have been born in this country? in 1838 and therefore anybody in Tennessee could have known her to direct you to her? A People come back and forward from Tennessee here.
- Q Who was it, give me the name of one person that went back and give you the information of this Lucy Brown? A Elman Jimon, my father.
- Q Your own father? A Yes sir.
- Q How long had it been since he had been in this country when he went back there and give you this information in 1860? A He was here in 1852 I believe, and he was here again, I don't know whether he was here or not, but he come off in this direction, he was here in 1852.
- Q That was the last time you ever knew of him being here? A I don't know whether he come or not but the trouble is I know he come out this way.

- Q So according to your own statement this Lucy was a mere child then? A I expect she was.
- Q Why didn't he direct you to some older person? A Because, he knew this woman.
- Q You have applied for citizenship here, haven't you? A Yes sir.
- Q Applied as a Cherokee by blood, didn't you? A The blood, of course I did.
- Q And you were rejected, weren't you? A Yes sir.
- Q And you applied as a freedman? A Yes sir.
- Q Then you were rejected? A Yes sir.
- Q Did you ever apply in the Chickasaw nation? A No sir.
- Q Ever apply in the Creek nation? A No sir.
- Q And as a freedman to? A Yes sir, and Mr. Needles told you I had a right too, at Fort Gibson, had a right to apply by blood because .
- Q Where did you go from Judge Brown's house? A I told you I come on out toward Remy, come across Lee's Creek on down right near about half way from the bridge down to Cherokee Station now.
- Q And you stayed there? A Yes sir, until I went away from here.
- Q How long before you went away? A The next May.
- Q May of 1861? A Yes sir.
- Q Where did you go? A Back to Tennessee.
- Q How did you go? A Any way I could get to go, sometimes on a boat from about Van Buren.
- Q Where did the boat land, where did you get off? A After I got off of it I don't know where it went.
- Q Where did you get off? A At the mouth of the Arkansas River.
- Q You had the means to pay your way? A Yes sir I did.
- Q Had you been doing anything that year? A I made some money.
- Q Well how? A I made it.
- Q Who did you work for? A I didn't work for anybody, I worked there with Vann.
- Q George Vann, just along with him? A Yes sir.
- Q Where did he put you to work? A Sometimes put me to cutting logs.
- Q Who did you cut logs for? A I don't know.
- Q Where did you cut them? A Down on the river between Fort Smith and Cherokee.
- Q Was there a saw mill down there? A No sir.
- Q What did you do with the logs? A They carried them off.
- Q Did you see any Cherokees around there? A No sir.
- Q You never did get acquainted with a Cherokee before the war? A I should think I did.
- Q If you did, who was it? A I was acquainted with several.
- Q Tell me one of their names? A I was acquainted with old man John Brown.
- Q John Brown? A Yes sir.
- Q Was that this Judge Brown? A No sir.
- Q Where did John Brown live? A In Tennessee.
- Q I mean in the Cherokee Nation? A In the Cherokee nation I was acquainted with John Going and Betsy Going.
- Q They were free colored people? A No sir.
- Q They were negroes, colored people? A No sir, I don't think they were, they looked like Cherokees to me.
- Q Where did they live? A Not far off of Lee's Creek.
- Q How far from Judge Brown? A Way back this side.
- Q About how many miles? A May be 5 or 6, I don't know.
- Q You landed at the mouth of the Arkansas River going back to Tennessee? A Yes sir.
- Q Where did you join the army? A At Murfreesboro, Tennessee.
- Q There is where you lived? A No sir.
- Q Where had you been living? A Up further toward Chatanooga than that.

Mr Neal: I don't see the materiality of this questioning, I don't see why it can affect the rights of the applicant one way or the other.

Mr. Hastings: I think ~~affidavit material~~ the residence of this witness is very material.

On behalf of the Commissioner: Objection noted.

BY MR. HASTINGS:

- Q You said you knew Lucy Brown, did you? A Yes sir.
Q You never had seen her except these nights? A Yes sir.
Q Did she have any other children besides Horace at that time?
A Yes sir.
Q What were their names? A Hudson, I think was one.
Q The next one? A Horace.
Q The next one? A I don't know about that.
Q Hudson was older than Horace? A Yes sir.
Q Did she go by the name of Norman, and these children at that time? A She was called Lucy Brown.
Q How much older was Hudson than Horace? A Looked to be 3 or 4 years older.
Q Did you swear that you were well acquainted with Lucy Brown?
A No sir.
Q Did you sign this affidavit, is that your signature? A Yes sir, that is my signature.
Q Did you sign an affidavit before H. L. Rogers to reopen this case for this purpose? A I signed an affidavit, I think down yonder, I made my statement without the affidavit. I made the statement there I know.
Q Did you sign that affidavit? A If that is the affidavit, I must have signed it.
Q But you didn't swear that you were well acquainted with her?
A No sir, I was only there a week that is all I told them.
Q Did you swear on the 17th day of April, 1906, before H. L. Rogers, a Notary public, that you were well acquainted with Lucy Brown the mother of Horace S. Norman and Irene Cannon? A This was after that time, I didn't get well acquainted with their mother.
Q Did you swear that Lucy Brown was a slave of Judge James Brown?
A I don't think I swore that, I know she was there acting as a slave that is all I know it. That is the way some of my papers get fixed,-----
Q You think then H. L. Rogers put this up on you? A I don't know, I didn't get well acquainted with her.
Q You didn't intend to say that? A No sir.
Q Who got you to make this affidavit? A Mr. Norman.
Q Was H. L. Rogers there? A Yes sir.
Q What interest did he have in this case? A None that I knew of.
Q And he came up on the train with you last night? A Yes sir.
Q Did he come out to get you the other day to bring you here as a witness? A No sir.
Q When did you see him last before you came up here? A I saw him in Fort Smith.
Q He talked to you about coming up here as a witness? A Yes sir, I believe he did say something about it, Norman was talking to me about it, we all come together.
Q Where was this affidavit made signed by H. L. Rogers was it made in Fort Smith, or where? A I reckon they must have drawn it up there and brought it to me.

- Q Where was it made? A I can't tell you .
Q Was it made in Fort Smith or where? A I don't know.
Q Don't you know where you signed it? A I think at home? I think I did, I want to be straight about it.
Q Is Gallis West here? A No sir, I don't think he is.
Q Were you present when Gallis West signed this by X mark? A No sir.
Q He didn't come up here as a witness? A No sir.
Q Where was Horace when you first saw him after the war? A I don't know where he was living, but I will tell you where I saw him, about where the ferry runs across the river, in the fall of '66.
Q With whom was he living? A I don't know.
Q Was he married then? A No sir, he was only a boy.
Q Who was he living with? A I don't know, I tell you I saw him there.
Q At whose place did you see him? A I saw him right on the river where the ferry boat runed along.
Q Just standing out there on the road by himself? A Yes sir, and Mr. Johnson was ths re, and Isaac was there too.
Q They were standing out there together? A I met them right there.
Q When did you see Horace again after that? A I don't know, it was, I saw him very often in passing up in the Cherokee Nation myself.
Q Where did you ever see him where he was living after the war?
A Now I don't know as I know of any place he lived himself because it was sometime before I saw him again.
Q How long before you saw him? A How it may have been 10 or 12 or 15 years, I don't know what time it was.
Q Where did you see him? A I never seen him to live at any place until he lived ths re at George Vann's, I got him to go there myself.
Q When was that, during this last payment in 1896 or 1897? A I think it was after the payment.
Q Then you never saw him from 1866 until after the payment? A Yes sir, I did, I didn't tell you that.
Q Where did you see him? A I can't tell you where I met him, but the trouble you want to find out his home.
Q Where did you meet him the next time? A At my house.
Q Where were you living? A At van Buren, he came there several times to see me.
Q Where was he married? A I don't know where he was married.
Q Do you know his wife? A No sir.
Q Do you know his children? A y knew Leo, Harry, Caro,----
Q You don't know Irene? A yes sir.
Q Where was she born? A I don't know that, they have not been living right around me.
Q Were you ever at Horace Norman's house? A Yes sir.
Q That has been since the payment in 1897? A I believe so.

BY MR. KEAL:

- Q You say this is your signature to this affidavit? A Yes sir.
Q Was it read over to you before you signed it? A Yes sir, I think so.

WITNESSES EXCUSED.

ISOM JOHNSON, being first duly sworn, testified as follows:

BY MR. NEAL:

- Q What is your name? A I son Johnson.
- Q How old are you? A I don't really know, I have only what was given me, what George Johnson told me.
- Q About how old are you? A About 76 the last I learned from him.
- Q How long have you lived in the Territory, in the Cherokee Nation?
- A All my life, born and raised in the Cherokee nation.
- Q Were you acquainted with Horace S. Norman? A Yes sir.
- Q Did you know his mother before him? A Yes sir.
- Q Who did she belong to before the war? A To judge Brown.
- Q Was Judge Brown a Cherokee Indian? A I suppose he was a Cherokee Indian, that is what he was said to be.
- Q What was Horace Norman's mother's name? A Lucy Brown.
- Q Were you well acquainted with her before the war? A Yes sir, I know her, I was acquainted with her.
- Q Where did you get acquainted with her before the war? A The first acquaintance I got of her was up at Judge Brown's own place on Lee's Creek.
- Q Was Judge Brown's old original place on Lee's Creek? A Yes sir.
- Q Then do you know after that did you ever know her down in the bottom at work? A Yes sir, I saw her.

Mr. Hastings: Objected to as being leading and I move that the same be stricken from the record because it is not shown yet that she was ever in the bottom.

On behalf of the commissioner: Objection noted.

- Q How long before the war did you know her? A Some 4 or 5 years.
- Q Where did you see her the year before the war, the year the war broke out where was she? A She was at Judge Mackeys.
- Q Where is that with reference to Judge Brown's place? A I mean she was at Browns the first acquaintance I got of her.
- Q Right before the war you said she was at Mackeys? A She worked there, I don't know how long, her and several others of them, he had them hired out at the Salt works at Mackeys.
- Q Is she the mother of Horace Norman? A Yes sir.
- Q How long have you known Horace? A All of his life.
- Q You know Horace Norman is the child of Lucy Brown, who was the slave of Judge Brown? A Yes sir.

BY MR. HASTINGS:

- Q You are an applicant to be enrolled as a Cherokee freedman? A

Mr. Neal: Objected to because it is incompetent.

On behalf of the Commissioner: Objection noted.

- A Yes sir.
- Q You had a wife by the name of Matilda? A I did.
- Q Son Paul? A Yes sir.
- Q Son Isaac? A Yes sir.
- Q Daughter Lulu? A Yes sir.
- Q Son Adam? A Yes sir.
- Q Son Turner? A Yes sir.
- Q Daughter Ida? A Yes sir.

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- Q And the Commission refused you on July 23, 1904, did it not?
A I suppose it is so.
- Q And the Secretary of the Interior approved that rejection on September 22, 1904? A Yes sir, I suppose so.
- Q How far did you live from Judge Brown's when the war came up?
A I don't know exactly, I lived in the bottom.
- Q How far from where he lived? A I can't tell just how far it was, it may have been 25 or 30 miles.
- Q Did you ever see Lucy Brown at Judge Brown's place? A Yes sir.
- Q How long before the war? A Some 4 or 5 years.
- Q Did you ever see Horace Norman there? A I don't recollect, she had some two or three children.
- Q You don't remember of seeing him before the war? A There was a couple of boy children there, one of them as well as I recollect the oldest one was some older than this one here.
- Q How old was the youngest one? A I reckon at that time as well as I remember some two or three years old.
- Q And that was some 4 or 5 years before the war? A Yessir.
- Q You never saw them again before the war? A Not until I saw them down in the bottom.
- Q That was after the war? A Yes sir.
- Q Did you see him any more until after the war? A No sir, for the simple reason George Johnson went off to Boggy Depot.
- Q Then you saw him some 4 or 5 years before the war and you never saw him any more until after the war? A Yes sir.
- Q How long after the war before you saw him? A It was along, I think, in 1867, if I recollect right.
- Q You may be mistaken about it? A I think it was in 1867.
- Q Was he married then? A Who was that?
- Q This Horace, when you saw him? A I don't know anything about the marriage, I don't recollect nothing about that.
- Q Did you see his wife and some children? A I suppose we saw some children, I reckon it was his wife and children.
- Q Reputed to be? A Yes sir, claimed to be.
- Q And that was in 1867? A Yes sir.
- Q Where did you see them? A In the bottom from Fort Smith up in the bottom? A
- Q They were living in a house there? A Yes sir, in a cabin up near us on the Garrison Creek in the bottom.
- Q And that was the first time you saw them after the war? A Yes sir, living in a cabin up there.
- Q What was this woman's name he was living with and how many children did they have? A I don't recollect but three.
- Q What were their names? A I don't remember that, I wasn't around them a great deal.
- Q They were claimed to be his children? A Yes sir.
- Q He recognized them? A Yessir.
- Q He recognized this woman as his wife? A Yes sir.
- Q On whose place was he living? A I don't remember whose place, I think, as well as I recollect, it was on Stealer's place.
- Q You are not going back on that statement are you at all? A No sir.
- Q You understand it? A I think it was on the Stealer place.
- Q Was his eldest child a girl or boy? A I think a boy if I recollect right, I think it was.
- Q Were you ever at Judge Brown's place before the war? A Yes sir, I drove cattle around there.
- Q What kind of a house did he live in? A If I recollect right it was a double log house.

- Q How far from Lee's Creek, about how far? A I don't know, it was a short distance from Lee's Creek.
- Q Wasn't it just between little Lee's Creek and Big Lee's Creek, and about a quarter of a mile from the creek? A I think that is just about right.
- Q Did you know any other of Judge Brown's slaves? A I know Martha Brown.
- Q Did you know Rosanna Nelson? A Yes sir, slightly.
- Q Did you know her as the slave of Judge Brown? A If I recollect right she went by the name of Fields.

BY MR. NEAL:

- Q Lets see, did you understand Mr. Hastings awhile ago, you saw you saw Lucy some 4 or 5 years before the war at Judge Brown's place?
- A Yes sir.
- Q That was up where he lived? A Yes sir.
- Q Did you ever see her any more before the war? A No sir, not any more before the war, we had to go away out to Beggy Depot, George Johnson did and I never saw them any more until I came back.
- Q Did you come back before the war or afterwards? A I come back---
- Q You never saw her down at Mackey's at all? A Yes sir, I saw her there at work.
- Q You told Mr. Hastings awhile ago that you never saw her but one time? A I saw her out there with two or three others of Judge Brown's slaves.
- Q Do you remember the names of them? A Martha was one, David and this Lucy.
- Q Was there any more hired out down there? A Yes sir.
- Q Do you remember any of their names? A I am not certain but I think one of them was named Pomp, if I remember right.
- Q Then when you saw this woman Lucy first you say up at Judge Brown's place about 4 or 5 years before the war? A Yes sir.
- Q Then you saw her afterwards at the Salt works? A Yes sir.

BY MR. HASTINGS:

- Q How long before the war, just a few days after you saw her at Judge Brown's? A Yes sir.
- Q Then it was 4 or 5 years before you saw her? A Yes sir.

BY MR. NEAL:

- Q Now you said when you came back you saw Horace Norman in 1867, and that he had a wife and children at that time? A Yes sir.
- Q Then he must have been about grown when the war broke out? A He claimed the family.
- Q How old was Horace at that time? A I don't know, he may have been 17 or 18 years old, he was a young man.
- Q A young man when you came back there after the war? A Yes sir.

ON BEHALF OF THE COMMISSIONER:

- Q You say you saw Horace before the war? A Yes sir, and another brother of his.
- Q And he was the son of Lucy Brown? A Yes sir.
- Q And Lucy Brown belonged to Judge Jim Brown? A Exactly right.
- Q Was Judge Jim Brown a Cherokee by blood? A I would not say positively because there was other mixtures, he was a citizen, as far as I understand I couldn't locate him to say what mixtures he was.
- Q He was said to be a Cherokee? A Yes sir.
- Q Do you know whether he was recognized as a Cherokee by blood or not?
- Q Was he a recognized citizen as far as ever I understood.
- A Yes sir.
- Q If anything he was a Cherokee or white man? A As far as I know he was always said to be a Cherokee by blood.

ROSANNA MELTON, being first duly sworn, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A Rosanna Melton.
Q What is your age? A 67.
Q What is your post office? A Redland.
Q Are you a Cherokee freedman? A Yes sir.
Q Were you a slave of a Cherokee citizen before the war? A Yes sir.
Q Who owned you? A Judge Brown, Judge Jim Brown raised me.
Q Where did Judge Brown live that owned you? A On Lee's Creek.
Q Sequoyah District? A Yes sir.
Q About how old were you when the war came up? A I guess I was about 22 years old.
Q Did you have a son by the name of Pomp? A Yes sir, my oldest child.
Q To whom did he belong when the war came up? A Judge Brown.
Q Did Judge Brown have a wife? A Yes sir.
Q Were you well acquainted with Judge Brown's slaves? A Yes sir.
Q Did you know them all? A Yes sir, every he owned since I could recollect.
Q About how old were you when the war came up? A I guess I was about 21 years old.
Q Did you ever see this applicant, Horace Norman, here? A No sir, not before the war.
Q Have you ever seen him before this morning? A It seems to me, yes sir, I have seen him before.
Q About when? A At my house two or three days ago.
Q Did he come to your house then? A Yes sir.
Q Talked to you anything about being a witness in this case? A No sir, he didn't say anything to me only he asked me what my given name was. He said he had heard his mother speak of me many times and I asked him who was his mother, and he told me who his mother was.

Mr. Neal: We object to any conversation that took place there.

On behalf of the Commissioner: That is material, that will be heard.

- Q He told you who his mother was? A Yes sir.
Q Did you tell him that you knew his mother? A I told him I guess he was mistaken I guess it was some other Brown, I knew everything my old master had.
Q Did he own a woman by the name of Lucy Brown? A No sir, not that I knew of.
Q If he had of owned one by that name would you have known it?
A Yes sir.
Q Know all his slaves? A Yes sir.
Q Did he have this applicant here, Horace Norman, when the war came up? A Not as I know of.
Q If he had of been there would you have known it? A Yes sir, never had anybody there but our family.
Q Did you ever know a free colored man in that country around there by the name of Jack Norman? A No sir.
Q What kind of a house did Judge Brown live in? A Frame house.
Q Two story? A Yes sir.
Q Is that house standing there yet? A Yes sir.
Q How far is it from Lee's Creek? A From Little Lee's Creek about 3/4 of a mile.
Q How far from Big Lee's Creek? A About two miles, or 1 1/2 miles.

- Q In between the two? A Yes sir, it was always called two miles.
- Q Where was your son Pomp when the war come up? A At home, he taken him off when he went.
- Q He took him with him? A Yes sir, he and my nephew by the name of Louis.
- Q You are the grand mother of Louis T. Brown here in town? A Yes sir.
- Q Were you married when the war come up? A Yes sir.
- Q How many children did you have? A 5.
- Q Name all the slaves of Judge Brown as you remember them? A The oldest one was my mother.
- Q What was her name? A Susie, the next oldest one was Uncle Dave, then my oldest sister, Aby, then Mary Ann, the the next eldest boy Jerry, Isaac, he died, the next oldest boy was brother Bill Brown, and sister Gallie, and sister Martha.
- Q What became of Martha? A She died.
- Q When did Martha die? A A number of years before the war.
- Q About how many years? A I just couldn't tell you.
- Q As much as 10 or 15 years? A Yes sir, about that, I think one of them died when she was about 14, Sallie was about 12 when she died.
- Q Did Judge Brown have any slave by the name of Lucy? A Not as I know of.
- Q Could he have had one by the name of Lucy? A No sir, never heard any by that name.
- Q Was any of them hired out ever at Mackey's salt works? A Not as I know of.
- Q Did he have a woman by any name who had two boys named Horace and one named Hudson? A No sir.
- Q Did he ever have a colored boy named Horace? A No sir.
- Q Was anybody connected with the family named Horace? A None as I know of. I knew all the colored people, it was all one family. When Master Brown and his wife separated they divided the colored people.
- Q They separated in Tennessee? A Yes sir, he left her back there and he taken this woman's mother.
- Q Mrs. Seabolt's mother? A Yes sir, and when she come she come on the water, and when she come she would not live with him, she just moved up here in Illinois district and he ft. him down in Sequoyah.
- Q But they never had one by the name of Lucy? A Never as I know of.
- Q And your son Pomp never worked at Mackey's salt works? A No sir.
- Q Then if Isom Johnson swore that he is mistaken? A Yes sir.
- Q Was there any other Pomp in Judge Brown's family besides your son? A No sir, I never heard of one.
- Q Except your son? A My son was 50 miles from Illinois to our house.
- Q Did Judge Brown own any other slave by the name of Pomp except your son? A None as I know of.
- Q And he never worked at the salt works? A No sir, not as I know of.
- Q Never hired any over there? A Never hired of his colored people nowhere.
- Q What become of his colored people when the war come up? A Went to Fort Scott, Kansas, and I went south with Arch Fields.
- Q Where did you live then? A About a mile on the other side of Fort Smith.
- Q Where did your mother live? A At old man Brown's.
- Q Were you living there when the war come up? A Yes sir, never lived nowhere else all my days. Never was two days in my life without seeing some of my people until after the war come up.
- Q Did you ever know this man Harkwell H. Houston? A No sir.

- Q Did you ever hear of him coming up there? A I never saw him.
- Q Do you know him? A No sir, never saw him before until I saw him on the train yesterday. I don't claim to know everybody but I know my people, my old master's relations and all my colored people, his brothers who used to visit at his house, I knew them, I was his house girl & now I was 5 years old.
- Q Who was this Fields? A My old master's grown nephew, David Field's son, and this Ailsey was his mother.
- Q Then you never lived more than a mile away from Judge Brown's from the time you were born his slave until the time you were freed, you never lived over a mile from Judge Brown's? A Never was two or three days without seeing some of my people.
- Q Was your mother living when the war come up? A No sir died the year before the war come up.
- Q Did she die the slave of Judge Brown? A Yes sir, my father died in the time of the war.
- Q Was he the slave of Judge Brown? A He was the slave of Jennie Brown, Judge Brown's wife, she set him free when he was 31.
- Q Did Judge Brown have a farm in connection with this place? A Yes sir had a farm.
- Q Did he have any children himself? A No sir, never as I heard of. He said he never was called father in his life, he raised other people's children, two or three sets of children.
- Q You know Mrs. Seabolt, a witness here? A Yes sir.
- Q Do you know that man out there, Mr. Seabolt? A Yes sir, her son.
- Q He was there at Judge Brown's when the war come up? A Not more than 3/4 of a mile to their house across the creek.

BY MR. NEAL:

- Q You are a Cherokee freedman regular enrolled? A Yes sir, I am on the 1860 roll, never was disputed in my life.
- Q You say that Judge Brown never hired out any of his slaves? A Yes sir.
- Q You knew all of his slaves around the house there? A Yes sir.
- Q Up until 4 years before the war when you were with Fields? A Yes sir.
- Q After that time you did not know so much about the slaves? A He didn't have any to hire out, you see Dave run off and he sold Charley, and he didn't have any but my brother Billy and he was only about 19 years old.
- Q He just had two, you and your brother Billy? A Yes sir, then the young man Dave, master give him his freedom when he was a boy. My sister had a son named Louis and Jefferson.
- Q Fields was your owner? A Yes sir, when I went to Fields my old master kept two of my children. After I started he said that it was going to be separated, he said send back and get the girl, and I sent back and get the girl, my oldest daughter now, Elaira.
- Q You say Judge Brown never did have a woman named Lucy that you know anything about? A No sir.
- Q You don't mean to say that he didn't have any, just that you don't know anything about? A No sir, none in my house.
- Q You would not swear that he didn't own a woman named Lucy? A I would not swear before my time, I would swear it.
- Q He didn't have any that you know anything about? A No sir, never had any that he kept at home, every one was at home that he owned.
- Q How do you know it? A Because, it was all the colored people he had.
- Q You don't mean to say he didn't have some somewhere else? A I don't think he ever owned any more except what there was of us.
- Q You mean that he didn't own any others? A If he did he had them secretly.
- Q Now you mean to say then that your master had no slaves except those mentioned you never heard him say anything about it? A No sir.

- Q And therefore you do not know anything about it? A No sir, because I don't think he owned any except what was at home.
- Q Now you say he and his wife separated here or in Tennessee?
- A He left her in Tennessee, and he come to this country, and on his way to this country he married this woman's mother.
- Q Did she come on over here? A She come up here on Lee's Creek.
- Q When she come over here you said they divided the slaves? A Yes sir.
- Q Where did she go? A To Illinois, she died somewhere in Illinois.
- Q How many slaves did she take off with her? A She had 6 or 7.
- Q You don't know anything about the slaves she took with her?
- A Yes sir.
- Q How long before the war was it she and Judge Brown separated?
- A A long time, separated before I was grown, I come here when I was a baby for I got up a good big girl she died, and when she died all of the colored people went back to Tennessee to her grand-daughter.
- Q A part of them went to her husband, didn't they? A No sir, he never got none only what was his, he never got any of her estate.
- Q Now you say when the war broke out you say he had you and your sister and old man Dave? A Yes sir.
- Q He had three grown slaves? A No sir, he had more than three grown slaves, me, mother, Uncle Dave, and my sister, and my sister's daughter was grown, and my sister's other daughter was grown and her son about 16 years old.
- Q Then he had 8 slaves when the war broke out? A He had more than that.
- Q I mean those grown? A My son was about 19 years old.
- Q Do you know Isom Johnson? A Yes sir.
- Q Did you know him before the war? A No sir, not until the time they were registering.
- Q Never saw him before the war? A No sir, I got acquainted with him, they called me in for a witness and I didn't know him before the war.

BY MR. HASTINGS:

- Q About how long before the war did Judge Jim Brown's first wife from whom he separated in Tennessee die? A Jennie Brown.
- Q Yes? A I couldn't tell you that, I wasn't grown when she died.
- Q You weren't married, you didn't have any children? A No sir, just a girl 10 or 11 years old.
- Q You were 24 when the war came up? A No sir, I wasn't 24 when we went off about 22 when we come back I was 28.
- Q Then you were according to your statement about 10 or 11 years before the war? A Longer than that.
- Q About 15? A I expect it was and longer to, she didn't live so many years, I was no more than a waiting girl on the table.
- Q A good many of her slaves went back to Tennessee? A Yes sir, and they were all my relations.
- Q You knew them all? A Yes sir.
- Q She didn't have any by the name of Lucy? A None that ever I know of.
- Q Could Judge Jim Brown had a negro woman by the name of Lucy who had two children and lived there at Judge Jim Brown's without your knowing it? A Not before the war, no sir. The only woman that ever I remember married a colored man that belonged to Coody.
- Q You had a child named Lucinda and she died? A Yes sir, died when she was 10 years old.

BY MR. NEAL:

- Q Do you know of any of the old slaves Judge Brown had living now?
A I got a sister down here, sister Wary.
Q Where does she live? A Vian.
Q What is her name? A Mary Griggs, she is blind.
Q Do you know any of the others? A No sir, none of them living,
yes sir one of them that belonged to the old lady.
Q Then you are the only one of Judge Brown's slaves that belonged
to him that is living now? A Yes sir.
Q Then you are the only one of the old slaves that are still living?
A Yes sir, and one of my sister's daughters she is living.
Q How old was she when the war broke out? A About 5 or 6 years old.
Q You were the only one old enough to remember things at the time
of the war, that is living now? A Yes sir.

WITNESSES EXCUSED.

JOSIAH SEABOLT, being first duly sworn, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A Josiah Seabolt.
Q What is your post office? A Long.
Q District? A Sequoyah.
Q Are you a Cherokee by blood? A Yes sir.
Q What is your mother's name? A Nancy.
Q What is her post office? A Long.
Q Does she live near Uniontown? A Yes sir.
Q Did you know Judge Jim Brown in his life time? A Yes sir.
Q How old were you when the war came up? A I must have been
about 9 years old.
Q Were you living with Judge Brown? A No sir, I was living with
my mother.
Q How far from Judge Brown's place did your mother live? A It
was about a mile.
Q She was a step-daughter of Judge Brown? A Yes sir.
Q Were you acquainted with Judge Brown's slaves? A Yes sir.
Q Did he have a colored woman by the name of Lucy? A If he did
I don't recollect any by that name.
Q Did you ever know a free colored man by the name of Jack Norman?
A No sir.
Q Did you ever know this colored applicant here, Horace Norman?
A No sir.
Q Was he a slave of Judge Brown before the war? A Not that I
know of.
Q Did Judge Brown have any slaves by the name of Horace? A No sir
not that I knew, wasn't any by that name.
Q Did you know them? A Yes sir, I knowed them.
Q And he didn't have any by that name? A No sir.
Q What kind of a house did Judge Brown live in? A In a frame house
big tall story frame building.
Q Is that house standing yet? A Yes sir.
Q Who lives there? A My mother lives there.
Q Has she lived there since the war? A Yes sir.
Q And she lived within a mile of it before the war? A Yes sir.
Q And Judge Brown was her step-father? A Yes sir.
Q Did you know this colored woman that left the stand? A Yes sir,
I have known her all my life.
Q Was she a slave of Judge Brown? A She was, she had been, she
was at the time I used to see her there, and then she moved over
south of Judge Brown's.
Q About how far? A Something about 1 1/2 miles.
Q With whom? A With Arch Fields.

- Q Did you know Rosanna's mother? A Yes sir.
Q Did you know her father? A Yes sir.
Q Who were they the slaves of? A Her mother was as near as I
recollect the slave of Judge Brown.
Q Did Rosanna have any children when the war came up? A Yes sir.
Q What was some of their names? A A boy named Pompey, one named
Jerry, a little girl named Myra.
Q Was there any Horace belonged to any of them, I mean the child of
any of them? A No sir, not that I know of, never heard of any
named Horace.
Q Did you know all the little boys in the Brown family? A Yes sir.
Q Played with them? A Yes sir.
Q If there had been one named Horace 4 or 5 years old when the war
came up would you have known it? A Yes sir.
Q Was there one by the name of Hudson, a brother to Horace? A Never
heard of any one by that name.

BY MR. NEAL:

- Q How old did you say you were now? A 51 years old last February.
Q How old were you when the war broke out? A I must have been
about 9 years old.
Q You are 51 now, the war broke out in 1861, then you were about 6
or 7 when the war broke out? A I don't just exactly know how
old I was when the war broke out, I was born in 1854.
Q You were born in 1854? XX Then you were 7 years old when the war
broke out? A I expect something about that.
Q How far did you live from Judge Jim Brown's? A About a mile.
Q When you were a boy? A Yes sir.
Q The most of these slaves you get acquainted with them during the
war and after the war? A During and after the war some of them.
Q You don't mean to say that you remember the names of all these
slaves and the different slaves that was there before the war when
you were only 7 years old? A No sir, not all the slaves. He
had some before I was born.
Q You don't testify that you knew all the slaves he had? A I don't
remember all of them.
Q Then you don't know whether he had a woman named Lucy or not,
do you? A No sir, he might have had one before I can remember.
Q How old were you when you remember, 7 years old, do you remember
the names of all his slaves at 7? A He might have had some.
Q He seemed to have had some at the outbreak of the war that you
were too young to remember, were you, you just remember those old
slaves that just helped take care of you and nursed you? A I
can name them.
Q You are not willing to testify, of course couldn't testify,
being only 7 years old what slaves he had, some of them you knew,
some of them you don't. You don't know whether he had one named
Jane or not, is not that true, do you mean to tell the Commission
that you remember these slaves their names, when you were only
7 years old when the war broke out? A All of them.
Q All of them? A I don't know he might have had some before.
Q Some that you don't remember? A He might have had some and dis-
posed of some of them, that wasn't there when the war come up.
Q Wasn't at the house, around the house? A No sir, might have
been so nowhere else.
Q Then you don't know and cannot testify can you whether he owned a
slave named Lucy or not, you don't know? A No sir, I don't.

BY MR. HASTINGS:

- Q Did he have one named Lucy there at his place when the war came up?
A I never heard of any by that name when the war came up.
Q Did you hear of one of that name? A No sir.
Q Did you ever know by that name? A No sir.

- Q Did you ever know any woman there that had a child named Horace? A
- A Yes sir.
- Q Did you know all of his slaves when the war came up? A All that he had there.
- Q And if you were asked about any one of them you could tell whether he owned that one or not, couldn't you? A Yes sir.
- Q While the war was officially declared in 1861, yet it didn't really run the people out of the country down there until 1862 or 1863 did it? A I don't know just what time it was when it runed the people out.
- Q And your mother was a step-daughter of Judge Brown? A Yes sir.
- Q And you were backward and forward nearly every day? A Yes sir.
- Q When did you first see this applicant Horace Norman? A To day ish the first time I ever saw him.
- Q Was he at Judge Brown's place there before the war as Judge Brown's slave? A I never did see him, if he was.

BY MR. NEAL:

- Q Suppose this, suppose he was two or three years old before the war, had been hired out when you were 3 or 4 years old?

We object to this question because it is not the contention of the party, and the witness for the applicant, named Harkwell H. Houston swore that he was this boy there with Lucy Brown in 1860, and therefore it is supposing it upon a supposition that is not borne out by the testimony.

On behalf of the Commissioner: Objection noted.

- Q Answer the question? A What was the question.
- Q I asked you if this boy's mother had been there when you were two or three years old and had afterwards been hired out, would you remember? A No sir, I don't reckon I would have remembered anything like that. If I was 3 or 4 years old I would ~~xxxx~~ not have known who was hired out and who wasn't.
- Q You were but 7 when the war broke out were you? A About that, I never just studied out how old I was, I know when I was born.

WITNESSES EXCUSED.

NANCY SEABOLT, being first duly sworn, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A Nancy Seabolt.
- Q How old are you? A 78 years old.
- Q What is your post office? A Uniontown, Arkansas, I stayed close to Shakespeare, we don't get our mail there any more.
- Q Are you a Cherokee by blood? A Yes sir.
- Q Did you know Judge Brown before the war? A Yes sir.
- Q I believe you testified in this case at length before, have you not? A Yes sir.
- Q You testified then that you were a step-daughter of Judge Jim Brown? A Yes sir.

Mr. Neal: I want to object to this witness testifying at this time because of the fact that she has heretofore been examined, and this hearing is for the purpose of taking additional testimony, and not for the purpose of taking original testimony.

On behalf of the Commissioner: Objection noted.

Q You have testified before in this case? A Yes sir.
Q And what you testified to were the facts in the case? A Yes sir.

On behalf of the Commissioner: A copy of the testimony taken in this case will be filed with and made a part of the record in case of Irene Gannon et al., Cherokee Freedman D--160.

The Attorneys for the applicants and the Cherokee Nation announce that they have no further testimony to introduce in this case, this case will be closed and a decision prepared upon the evidence heretofore introduced.

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George H. Lesley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lesley

Subscribed and sworn to before me this 28th day of August, 1905.

Myron White

Notary Public.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., AUGUST 24, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of HORACE S. NORMAN ET AL., as Cherokee freedmen.

APPEARANCES:

For Applicants, Neal & London.

For the Cherokee Nation, W. W. Hastings.

HARKWELL H. HOUSTON, being first duly sworn, testified as follows:

BY MR. NEAL:

- Q What is your name? A Harkwell H. Houston.
- Q How old are you? A I was 71 the 21st of this last June.
- Q Where do you live? A Down in Sequoyah District.
- Q What is your post office address? A Redland, Indian Territory.
- Q Are you acquainted with Horace S. Norman? A Yes sir.
- Q How long have you known him? A I have known him a good many years.
- Q Did you know his mother before him? A Yes sir.
- Q When did you first know his mother, first see his mother, about when? A It was in 1860, I suppose, it was the year President Lincoln was elected, in that year I know.
- Q Well, what was his mother's name if you remember? A Lucy, I think Lucy Brown she was called.
- Q Do you know who she belonged to before the war in 1860? A I suppose she belonged to Brown.
- Q What Brown? A Jim Brown.
- Q Why do you suppose she belonged to Jim Brown? A Because she was there to work. I was kinder afraid to be in here, of course I had -----
- Q You were a free negro? A Yes sir, and had an object coming here to find the Browns. I was a Brown, you can see it on my application, and I come in here then and I was afraid to be seen, I was a slave here as well as back yonder.
- Q You say you came in here in 1860? A Yes sir, I came in here and saw the woman.
- Q You went up to Judge Brown's when you came in? A I did.
- Q You came from Tennessee was it? A Yes sir.
- Q And you went up to Brown's place in 1860? A Yes sir.
- Q And you saw this woman there? A Yes sir.
- Q She was reputed to be a slave of Brown, and worked for Brown at that time? A Yes sir.
- Q Did you see her off and on then until the war of the rebellion? A No sir, I didn't see her.
- Q When did you leave there? A I didn't stay there very long, I found Judge Vann and Green Johnson.
- Q And you went to, -----? A George Vann.
- Q Did you see her later after that, at other times? A No sir.
- Q Did you see her after the war? A No sir, I didn't.
- Q Did you see Horace here? A Yes sir.
- Q How big was Horace when the war broke out? A He was a child.
- Q How long after the war was it before you saw him? A I saw him in '66.

- Q Immediately after the surrender? A No sir, not immediately the surrender was on the 9th of April, 1865, and this was in 1866, I came home and it was in the fall at that.
- Q Have you seen him off and on since then? A Yes sir.
- Q Is he the same boy that was the son of Lucy Brown who was the slave of Judge Brown? A Yes sir.

BY MR. HASTINGS:

- Q What time in the year did you go to Judge Jim Brown's house the first time? A I went there, I think it was in May, 1860.
- Q Where was Judge Jim Brown living at that time? A Up on Lee's Creek.
- Q And that was the place that you saw Horace Norman, the applicant, and his mother Lucy? A Yes sir.
- Q They were living there on Lee's Creek? A Yes sir.
- Q What kind of a house was Judge Jim Brown living in? A I don't really know, I think it was a hewed log house.
- Q One room? A I don't know how many rooms, but I rather think,--- you see I went there to keep out of sight.
- Q How long did you remain there? A I didn't remain there long.
- Q An hour? A I think I did remain there an hour or over an hour.
- Q Two hours? A I stayed all night.
- Q Just stayed all night? A I stayed all night there for something like a week.
- Q You stayed around there about a week? A Yes sir, but I didn't stay around there in the day time.
- Q You stayed around at night? A Yes sir.
- Q But during that time you of course got acquainted with Judge Brown? A No sir.
- Q Did you ever see Judge Brown? A I never seen him only once at a distance.
- Q How long a distance, a quarter of a mile? A O, no sir.
- Q About how far? A I don't know, I was on the place and he was on the place.
- Q About how far off did you see him? A I didn't pay no attention to that.
- Q Never paid any attention to it? A Not the distance, of course, I never thought anything about that.
- Q But you remember of having seen him? A Just seen him, he was kinder walking sideways, they said that was the old boss.
- Q About how old was Horace Norman when you saw him in 1860? A He was a baby.
- Q A year or two years old? A I don't know.
- Q Was he in his mother's arms? A She would take him up and handle him when he was around.
- Q He would be under two years old? A I aint going to be exact because I can't.
- Q Might he have been nursing? A He might have been and he might have not.
- Q He was between 6 months and 3 years old? A Yes sir, somewhere along there.
- Q Not over that? A I don't think it would have been.
- Q Anyhow playing in his mother's lap? A Yes sir? I don't know whether I noticed whether he could walk or not.
- Q Did you know Horace's father? A I didn't see his father while I was there.
- Q Did you ever see his father? A I don't think I ever saw him.
- Q And you think Judge Brown had a hewed log house? A I think so, I don't propose to know because I had enough to do to keep care of myself.

- Q What direction did Judge Brown's house face, the east, west, north, or south? A I don't know.
- Q Did he have a well or spring? A I don't know that, I had no occasion to know it.
- Q Did he have any farm in connection with his house? A There was a little farm there around the house. That is I seen some part of the farm, I never went over that, when I went out of the house I went into the woods.
- Q Did you see any farm there at all? A I don't know, it appears to me like I did, I don't know whether it was a cattle farm or nothing as I told you when I went away from the house I went into the woods.
- Q Did Judge Brown have any other slaves that you got acquainted with? A No sir, I seed some there but I don't think,--I don't know whether they belonged to him or not, never had no talk with them.
- Q Did he have any colored men around there? A I seed none of them.
- Q You never saw any of them yet you stayed around there about a week at nights? A Yes sir.
- Q You saw some colored women but you don't know their names? A No sir.
- Q How many? A One or two I think.
- Q Did they ~~xxx~~ sleep in the same house Judge Brown did? A I don't know whether they did or not.
- Q Where did you sleep? A In the cabin.
- Q In the house Judge Brown lived in? A No sir, with this woman Lucy, where she stayed.
- Q Was that the same house Judge Brown stayed in? A No sir, a cabin there.
- Q What direction was Judge Brown's house from this cabin? A I couldn't tell you.
- Q North, east, south or west? A I don't know.
- Q About how far was the main house from the cabin? A Well, now I can't tell you that.
- Q Well was this house on a high hill or was it on the prairie, or was it in the flat woods or was it in the bottom, what kind of land around it? A It looked to me like it was poor.
- Q What kind of land, prairie land? A There was some woods there.
- Q Was it thin woods, what you would call prairie woods, little strips of timber over it? A Thin woods I call it.
- Q Did you find any streams there, any rivers? A No sir, I didn't see any rivers.
- Q No streams of any kind? A No sir, not about the house.
- Q None near there? A Lees Creek was near there.
- Q How far was Lee's Creek from Judge Brown? A That would be something,--I didn't measure it, I didn't pay no attention to it.
- Q Was it then 5 miles? A Yes sir, it was less than 5 miles, must have been.
- Q About how far, your best judgment? A I don't know, I hate to tell you something I can't tell.
- Q Do you positively swear that you saw Lee's Creek when you went up there? A I crossed it.
- Q How far was it from this place of Judge Brown's? A I couldn't tell you I crossed about 3 or 4 miles above Van Buren, and I went some good ways before I got to his house.
- Q You didn't see Lee's Creek within 10 miles of his house? A I couldn't tell you about that.
- Q And you didn't see it when you left there? A Yes sir.
- Q About how far after you left Brown's before you saw it? A I don't recollect about that, I came down to this place you call Reay, I came down that way but I don't know how far it was.

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- Q Your best judgment? A You know a man can't have much judgment about that.
- Q You ought to have some idea about how far it was? A I couldn't say, may be it was 3 or 4 miles, it might have been that, I can't tell.
- Q How that is as much as you know of that location is it? A Yes sir, for I never paid no attention to it.
- Q Was there any yard fence around Judge Brown's house? A Yes sir.
- Q Any trees in the yard? A I think there was, I am not certain, I paid no attention to it.
- Q You don't know what direction his house faces? A I do not know.
- Q What was Judge Brown's wife's name? A I don't know whether he had a wife.
- Q Did he have one? A I don't know.
- Q Did Judge Brown have any children there? A I don't know as he had any child.
- Q Do you swear he did or didn't? A I couldn't swear that at all.
- Q How did you get up there? A By direction of an other people I went there, this woman taken care of me as I asked her.
- Q Were you related to her? A Not a bit.
- Q You had never seen her before? A No sir.
- Q How did you come from Tennessee to Van Buren? A I come on a boat part of the way.
- Q Where did you get off? A At Van Buren.
- Q Who directed you to Judge Brown's house? A I found that out before I left Tennessee.
- Q And you knew where he lived? A I don't know but I was told how where he lived.
- Q You didn't inquire in Van Buren because you knew when you left Tennessee? A I didn't need to inquire because I was told to hunt somebody out of the town and find such a man by the name of Brown.
- Q What did you hunt Judge Brown for? A To find this woman that they give me the name of.
- Q To whom did she belong to before? A Before when.
- Q Before she belonged to Judge Brown? A I don't know.
- Q How did you get the name of this woman? A The parties that give me the name, they are the ones that told me her name.
- Q Who was it told you that? A The Browns back yonder.
- Q How old was Lucy Brown when you saw her in 1860? A She was a young woman.
- Q About what age? A She might have been 18 may be 20, somewhere along there, I don't just know her age.
- Q Don't you know as a matter of fact Judge Brown came to the Cherokee nation in 1837? A Yes sir.
- Q And that therefore if this woman belonged to Judge Brown at that age, and she was about the age you indicate, that she would have had to have been born in this country? in 1838 and therefore anybody in Tennessee could have known her to direct you to her? A People came back and forward from Tennessee here.
- Q Who was it, give me the name of one person that went back and give you the information of this Lucy Brown? A Elman Simon, my father.
- Q Your own father? A Yes sir.
- Q How long had it been since he had been in this country when he went back there and give you this information in 1860? A He was here in 1832 I believe, and he was here again, I don't know whether he was here or not, but he come off in this direction, he was here in 1832.
- Q That was the last time you ever knew of him being here? A I don't know whether he come or not but the trouble is I knew he come out this way.

- Q So according to your own statement this Lucy was a mere child then? A I expect she was.
- Q Why didn't he direct you to some older person? A Because, he knew this woman.
- Q You have applied for citizenship here, haven't you? A Yes sir.
- Q Applied as a Cherokee by blood, didn't you? A The blood, of course I did.
- Q And you were rejected, weren't you? A Yes sir.
- Q And you applied as a freedman? A Yes sir.
- Q Then you were rejected? A Yes sir.
- Q Did you ever apply in the Chickasaw nation? A No sir.
- Q Ever apply in the Creek nation? A No sir.
- Q And as a freedman to? A Yes sir, and Mr. Needles told you I had a right too, at Fort Gibson, had a right to apply by blood because.
- Q Where did you go from Judge Brown's house? A I told you I came on out toward Remy, come across Lee's Creek on down right near about half way from the bridge down to Cherokee Station now.
- Q And you stayed there? A Yes sir, until I went away from here.
- Q How long before you went away? A The next May.
- Q May of 1861? A Yes sir.
- Q Where did you go? A Back to Tennessee.
- Q How did you go? A Any way I could get to go, sometimes on a boat from about Van Buren.
- Q Where did the boat land, where did you get off? A After I got off of it I don't know where it went.
- Q Where did you get off? A At the mouth of the Arkansas River.
- Q You had the means to pay your way? A Yes sir I did.
- Q Had you been doing anything that year? A I made some money.
- Q Well how? A I made it.
- Q Who did you work for? A I didn't work for anybody, I worked there with Vann.
- Q George Vann, just along with him? A Yes sir.
- Q Where did he put you to work? A Sometimes put me to cutting logs.
- Q Who did you cut logs for? A I don't know.
- Q Where did you cut them? A Down on the river between Fort Smith and Cherokee.
- Q Was there a saw mill down there? A No sir.
- Q What did you do with the logs? A They carried them off.
- Q Did you see any Cherokees around there? A No sir.
- Q You never did get acquainted with a Cherokee before the war? A I should think I did.
- Q If you did, who was it? A I was acquainted with several.
- Q Tell me one of their names? A I was acquainted with old man John Brown.
- Q John Brown? A Yes sir.
- Q Was that this Judge Brown? A No sir.
- Q Where did John Brown live? A In Tennessee.
- Q I mean in the Cherokee Nation? A In the Cherokee nation I was acquainted with John Going and Betay Going.
- Q They were free colored people? A No sir.
- Q They were negroes, colored people? A No sir, I don't think they were, they looked like Cherokees to me.
- Q Where did they live? A Not far off of Lee's Creek.
- Q How far from Judge Brown? A Way back this side.
- Q About how many miles? A May be 5 or 6, I don't know.
- Q You landed at the mouth of the Arkansas River going back to Tennessee? A Yes sir.
- Q Where did you join the army? A At Murfreesboro, Tennessee.
- Q There is where you lived? A No sir.
- Q Where had you been living? A Up further toward Chatanooga the n that.

Mr. Neal: I don't see the materiality of this questioning, I don't see why it can affect the rights of the applicant one way or the other.

Mr. Hastings: I think ~~the materiality of the~~ the residence of this witness is very material.

On behalf of the Commissioner: Objection noted.

BY MR. HASTINGS:

- Q You said you knew Lucy Brown, did you? A Yes sir.
- Q You never had seen her except these nights? A Yes sir.
- Q Did she have any other children besides Horace at that time?
- A Yes sir.
- Q What were their names? A Hudson, I think was one.
- Q The next one? A Horace.
- Q The next one? A I don't know about that.
- Q Hudson was older than Horace? A Yes sir.
- Q Did she go by the name of Norman, and these children at that time? A She was called Lucy Brown.
- Q How much older was Hudson than Horace? A Looked to be 3 or 4 years older.
- Q Did you swear that you were well acquainted with Lucy Brown?
- A No sir.
- Q Did you sign this affidavit, is that your signature? A Yes sir, that is my signature.
- Q Did you sign an affidavit before H. L. Rogers to reopen this case for this purpose? A I signed an affidavit, I think down yonder, I made my statement without the affidavit. I made the statement there I know.
- Q Did you sign that affidavit? A If that is the affidavit, I must have signed it.
- Q But you didn't swear that you were well acquainted with her?
- A No sir, I was only there a week that is all I told them.
- Q Did you swear on the 17th day of April, 1905, before H. L. Rogers, a Notary public, that you were well acquainted with Lucy Brown the mother of Horace S. Norman and Irene Cannon? A This was after that time, I didn't get well acquainted with their mother.
- Q Did you swear that Lucy Brown was a slave of Judge James Brown?
- A I don't think I swore that, I know she was there acting as a slave that is all I know it. That is the way some of my papers get fixed.
- Q You think then H. L. Rogers put this up on you? A I don't know, I didn't get well acquainted with her.
- Q You didn't intend to say that? A No sir.
- Q Who got you to make this affidavit? A Mr. Norman.
- Q Was H. L. Rogers there? A Yes sir.
- Q What interest did he have in this case? A None that I know of.
- Q And he came up on the train with you last night? A Yes sir.
- Q Did he come out to get you the other day to bring you here as a witness? A No sir.
- Q When did you see him last before you came up here? A I saw him in Fort Smith.
- Q He talked to you about coming up here as a witness? A Yes sir, I believe he did say something about it, Norman was talking to me about it, we all come together.
- x
- Q Where was this affidavit made signed by H. L. Rogers was it made in Fort Smith, or where? A I reckon they must have drawn it up there and brought it to me.

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- Q Where was it made? A I can't tell you.
- Q Was it made in Fort Smith or where? A I don't know.
- Q Don't you know whose you signed it? A I think at home? I think I did, I want to be straight about it.
- Q Is Callis West here? A No sir, I don't think he is.
- Q Were you present when Callis West signed this by X mark? A No sir.
- Q He didn't come up here as a witness? A No sir.
- Q Where was Horace when you first saw him after the war? A I don't know where he was living, but I will tell you where I saw him, about where the ferry runs across the river, in the fall of '66.
- Q With whom was he living? A I don't know.
- Q Was he married then? A No sir, he was only a boy.
- Q Who was he living with? A I don't know, I tell you I saw him there.
- Q At whose place did you see him? A I saw him right on the river where the ferry boat runed along.
- Q Just standing out there on the road by himself? A Yes sir, and Mr. Johnson was there, and Inon was there too.
- Q They were standing out there together? A I met them right there.
- Q When did you see Horace again after that? A I don't know, it was, I saw him very often in passing up on the Cherokee Nation myself.
- Q Where did you ever see him where he was living after the war?
- A Now I don't know as I know of any place he lived himself because it was sometime before I saw him again.
- Q How long before you saw him? A Now it may have been 10 or 12 or 15 years, I don't know what time it was.
- Q Where did you see him? A I never seen him to live at any place until he lived there at George Vann's, I got him to go there myself.
- Q When was that, during this last payment in 1896 or 1897? A I think it was after the payment.
- Q Then you never saw him from 1866 until after the payment? A Yes sir, I did, I didn't tell you that.
- Q Where did you see him? A I can't tell you where I met him, but the trouble you want to find out his home.
- Q Where did you meet him the next time? A At my house.
- Q Where were you living? A At van Buren, he came there several times to see me.
- Q Where was he married? A I don't know where he was married.
- Q Do you know his wife? A No sir.
- Q Do you know his children? A I know Lee, Harry, Caro, ---
- Q You don't know Irene? A Yes sir.
- Q Where was she born? A I don't know that, they have not been living right around me.
- Q Were you ever at Horace Norman's house? A Yes sir.
- Q That has been since the payment in 1897? A I believe so.
- BY MR. NEAL:
- Q You say this is your signature to this affidavit? A Yes sir.
- Q Was it read over to you before you signed it? A Yes sir, I think so.

W I T N E S S E X C U S E D.

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HOW JOHNSON, being first duly sworn, testified as follows:

BY MR. NEAL:

- Q What is your name? A I am Johnson.
- Q How old are you? A I don't really know, I have only what was given me, what George Johnson told me.
- Q About how old are you? A About 76 the last I learned from him.
- Q How long have you lived in the Territory, in the Cherokee Nation?
- A All my life, born and raised in the Cherokee Nation.
- Q Were you acquainted with Horace S. Norman? A Yes sir.
- Q Did you know his mother before him? A Yes sir.
- Q Who did she belong to before the war? A To Judge Brown.
- Q Was Judge Brown a Cherokee Indian? A I suppose he was a Cherokee Indian, that is what he was said to be.
- Q What was Horace Norman's mother's name? A Lucy Brown.
- Q Were you well acquainted with her before the war? A Yes sir, I knew her, I was acquainted with her.
- Q Where did you get acquainted with her before the war? A The first acquaintance I got of her was up at Judge Brown's own place on Lee's Creek.
- Q Was Judge Brown's old original place on Lee's Creek? A Yes sir.
- Q Then do you know after that did you ever know her down in the bottom at work? A Yes sir, I saw her.

Mr. Hastings: Objected to as being leading and I move that the same be stricken from the record because it is not shown yet that she was ever in the bottom.

On behalf of the commissioner: Objection noted.

- Q How long before the war did you know her? A About 4 or 5 years.
- Q Where did you see her the year before the war, the year the war broke out where was she? A She was at Judge Mackeys.
- Q Where is that with reference to Judge Brown's place? A I mean she was at Brown's first acquaintance I got of her.
- Q Right before the war you said she was at Mackeys? A She worked there, I don't know how long, her and several others of them, he had them hired out at the salt works at Mackeys.
- Q Is she the mother of Horace Norman? A Yes sir.
- Q How long have you known Horace? A All of his life.
- Q You know Horace Norman is the child of Lucy Brown, who was the salve of Judge Brown? A Yes sir.

BY MR. HASTINGS:

- Q You are an applicant to be enrolled as a Cherokee freedman? A

Mr. Neal: Objected to because it is incompetent.

On behalf of the Commissioner: Objection noted.

- A Yes sir.
- Q You had a wife by the name of Matilda? A I did.
- Q Son Paul? A Yes sir.
- Q Son Isaac? A Yes sir.
- Q Daughter Lulu? A Yes sir.
- Q Son Adam? A Yes sir.
- Q Son Turner? A Yes sir.
- Q Daughter Ida? A Yes sir.

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- Q And the Commission refused you on July 23, 1904, did it not?
 A I suppose it is so.
- Q And the Secretary of the Interior approved that rejection on September 22, 1904? A Yes sir, I suppose so.
- Q How far did you live from Judge Brown's when the war came up?
 A I don't know exactly, I lived in the bottom.
- Q How far from where he lived? A I can't tell just how far it was, it may have been 25 or 30 miles.
- Q Did you ever see Lacy Brown at Judge Brown's place? A Yes sir.
- Q How long before the war? A Some 4 or 5 years.
- Q Did you ever see Horace Norman there? A I don't recollect, she had some two or three children.
- Q You don't remember of seeing him before the war? A There was a couple of boy children there, one of them as well as I recollect the oldest one was some older than this one here.
- Q How old was the younge st one? A I reckon at that time as well as I remember some two or three years old.
- Q And that was some 4 or 5 years before the war? A Yessir.
- Q You never saw them again before the war? A Not until I saw them down in the bottom.
- Q That was after the war? A Yes sir.
- Q Did you see him any more until after the war? A No sir, for the simple reason George Johnson went off to Boggy depot.
- Q Then you saw him some 4 or 5 years before the war and you never saw him any more until after the war? A Yes sir.
- Q How long after the war before you saw him? A It was along, I think, in 1867, if I recollect right.
- Q You may be mistaken about it? A I think it was in 1867.
- Q Was he married then? A Who was that?
- Q This Horace, when you saw him? A I don't know anything about the marriage, I don't recollect nothing about that.
- Q Did you see his wife and some children? A I suppose we saw some children, I reckon it was his wife and children.
- Q Reputed to be? A Yes sir, claimed to be.
- Q And that was in 1867? A Yes sir.
- Q Where did you see them? A In the bottom from Fort Smith up in the bottom? A
- Q They were living in a house there? A Yes sir, in a cabin up near us on the Garrison creek in the bottom.
- Q And that was the first time you saw them after the war? A Yes sir, living in a cabin up there.
- Q What was this woman's name he was living with and how many children did they have? A I don't recollect but three.
- Q What were their names? A I don't remember that, I wasn't around them a great deal.
- Q They were claimed to be his children? A Yes sir.
- Q He recognized them? A Yessir.
- Q He recognized this woman as his wife? A Yes sir.
- Q On whose place was he living? A I don't remember whose place, I think, as well as I recollect, it was on Stealer's place.
- Q You are not going back on that statement are you at all? A No sir.
- Q You understand it? A I think it was on the Stealer place.
- Q Was his oldest child a girl or boy? A I think a boy if I recollect right, I think it was.
- Q Were you ever at Judge Brown's place before the war? A Yes sir, I drove cattle around there.
- Q Was it kind of a house did he live in? A If I recollect right it was a double log house.

- Q How far from Lee's Creek, about how far? A I don't know, it was a short distance from Lee's Creek.
- Q Wasn't it just between little Lee's Creek and Big Lees Creek, and about a quarter of a mile from the creek? A I think that is just about right.
- Q Did you know any other of Judge Brown's slaves? A I knew Martha Brown.
- Q Did you know Rosanna Rabbit? A Yes sir, & ightly.
- Q Did you know her as the slave of Judge Brown? A If I recollect right she went by the name of Fields.

BY MR. NEAL:

- Q Lets see, did you understand Mr. Hastings awhile ago, you saw you saw Lucy some 4 or 5 years before the war at Judge Brown's place?
- A Yes sir.
- Q Then it was up where he lived? A Yes sir.
- Q Did you ever see her any more before the war? A No sir, not any more before the war, we had to go away out to Peggy Depot, George Johnson did and I never saw them any more until I came back.
- Q Did you come back before the war or afterwards? A I came back--
- Q You never saw her down at Mackey's at all? A Yes sir, I saw her there at work.
- Q You told Mr. Hastings awhile ago that you never saw her but one time? A I saw her out there with two or three others of Judge Brown's slaves.
- Q Do you remember the names of them? A Martha was one, David and this Lucy.
- Q Was there any more hired out down there? A Yes sir.
- Q Do you remember any of their names? A I am not certain but I think one of them was named Pomp, if I remember right.
- Q Then when you saw this woman Lucy first you saw up at Judge Brown's place about 4 or 5 years before the war? A Yes sir.
- Q Then you saw her afterwards at the Salt works? A Yes sir.

BY MR. HASTINGS:

- Q How long before the war, just a few days after you saw her at Judge Brown's? A Yes sir.
- Q Then it was 4 or 5 years before you saw her? A Yes sir.

BY MR. NEAL:

- Q Now you said when you came back you saw Horace Norman in 1867, and that he had a wife and children at that time? A Yes sir.
- Q Then he must have been about grown when the war broke out? A He claimed the family.
- Q How old was Horace at that time? A I don't know, he may have been 17 or 18 years old, he was a young man.
- Q A young man when you came back there after the war? A Yes sir.

ON BEHALF OF THE COMMISSIONER:

- Q You say you saw Horace before the war? A Yes sir, and another brother of his.
- Q And he was the son of Lucy Brown? A Yes sir.
- Q And Lucy Brown belonged to Judge Jim Brown? A Exactly right.
- Q Was Judge Jim Brown a Cherokee by blood? A I would not say positively because there was other mixtures, he was a citizen, as far as I understand I couldn't locate him to say what mixtures he was.
- Q He was said to be a Cherokee? A Yes sir.
- Q Do you know whether he was recognized as a Cherokee by blood or not? A He was a recognized citizen as far as ever I understood.
- Q Was he a Cherokee, or not? A Yes sir.
- Q If anything he was a Cherokee or white man? A As far as I know he was always said to be a Cherokee by blood.

ROSAWNA MELTON, being first duly sworn, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A Rosanna Melton.
Q What is your age? A 67.
Q What is your past office? A Bondland.
Q Are you a Cherokee freedman? A Yes sir.
Q Were you a slave of a Cherokee citizen before the war? A Yes sir.
Q Who owned you? A Judge Brown, Judge Jim Brown raised me.
Q Where did Judge Brown live that owned you? A On Lee's Creek, Sequoyah District? A Yes sir.
Q About how old were you when the war came up? A I guess I was about 22 years old.
Q Did you have a son by the name of Tom? A Yes sir, my oldest child.
Q To whom did he belong when the war came up? A Judge Brown.
Q Did Judge Brown have a wife? A Yes sir.
Q Were you well acquainted with Judge Brown's slaves? A Yes sir.
Q Did you know them all? A Yes sir, every he owned since I could recollect.
Q About how old were you when the war came up? A I guess I was about 21 years old.
Q Did you ever see this applicant, Horace Norman, here? A No sir, not before the war.
Q Have you ever seen him before this morning? A It seems to me, yes sir, I have seen him before.
Q About when? A At my house two or three days ago.
Q Did he come to your house then? A Yes sir.
Q Talked to you anything about being a witness in this case? A No sir, he didn't say anything to me only he asked me what my given name was. He said he had heard his mother speak of me many times and I asked him who was his mother, and he told me who his mother was.

Mr. Neal: We object to any conversation that took place there.

On behalf of the Commissioner: That is material, that will be heard.

- Q He told you who his mother was? A Yes sir.
Q Did you tell him that you knew his mother? A I told him I guess he was mistaken I guess it was some other Brown, I know every thing my old master had.
Q Did he own a woman by the name of Lucy Brown? A No sir, not that I know of.
Q If he had of owned one by that name would you have known it? A Yes sir.
Q Know all his slaves? A Yes sir.
Q Did he have this applicant here, Horace Norman, when the war came up? A Not as I know of.
Q If he had of been there would you have know it? A Yes sir, never had anybody there but our family.
Q Did you ever know a free colored man in that country around there by the name of Jack Norman? A No sir.
Q What kind of a house did Judge Brown live in? A Frame house.
Q Two story? A Yes sir.
Q Is that house standing there yet? A Yes sir.
Q How far is it from Lee's Creek? A From Little Lee's Creek about 3/4 of a mile.
Q How far from Big Lee's Creek? A About two miles, or 1 1/2 miles.

- Q In between the two? A Yes sir, it was always called two miles.
- Q Where was your son Pomp when the war come up? A At home, he taken him off when he went.
- Q He took him with him? A Yes sir, he and my nephew by the name of Louis.
- Q You are the grand mother of Louis T. Brown here in town? A Yes sir.
- Q Were you married when the war come up? A Yes sir.
- Q How many children did you have? A 8.
- Q Name all the slaves of Judge Brown as you remember them? A The oldest one was my mother.
- Q What was her name? A Susie, the next oldest one was Uncle Dave, then my oldest sister, Aby, then Mary Ann, the the next oldest boy Jerry, Isaac, he died, the next oldest boy was brother Bill Brown, and sister Gallie, and sister Martha.
- Q What became of Martha? A She died.
- Q When did Martha die? A A number of years before the war.
- Q About how many years? A I just couldn't tell you.
- Q As much as 10 or 15 years? A Yes sir, about that, I think one of them died when she was about 14, Gallie was about 12 when she died.
- Q Did Judge Brown have any slave by the name of Lucy? A Not as I knew of.
- Q Could he have had one by the name of Lucy? A No sir, never heard any by that name.
- Q Was any of them hired out over at Mackey's salt works? A Not as I knew of.
- Q Did he have a woman by any name who had two boys named Horace and one named Hudson? A No sir.
- Q Did he ever have a colored boy named Horace? A No sir.
- Q Was anybody connected with the family named Horace? A None as I knew of. I knew all the colored people, it was all one family. When Master Brown and his wife separated they divided the colored people.
- Q They separated in Tennessee? A Yes sir, he left her back there and he taken this woman's mother.
- Q Mrs. Seabolt's mother? A Yes sir, and when she come she come on the water, and when she come she would not live with him, she just moved up here in Illinois district and he ft him down in Bequayah.
- Q But they never had one by the name of Lucy? A Never as I knew of.
- Q And your son Pomp never worked at Mackey's salt works? A No sir.
- Q Then if Isaac Johnson swore that he is mistaken? A Yes sir.
- Q Was there any other Pomp in Judge Brown's family besides your son? A No sir, I never heard of one.
- Q Except your son? A My son was 50 miles from Illinois to our house.
- Q Did Judge Brown own any other slave by the name of Pomp except your son? A None as I knew of.
- Q And he never worked at the salt works? A No sir, not as I knew of.
- Q Never hired any ever there? A Never hired of his colored people nowhere.
- Q What became of his colored people when the war come up? A Went to Fort Scott, Kansas, and I went with with Aruk yields.
- Q Where did you live then? A About a mile on the other side of Fort Smith.
- Q Where did your mother live? A At old man Brown's.
- Q Were you living there when the war come up? A Yes sir, never lived nowhere else all my days. Never was two days in my life without seeing some of my people until after the war come up.
- Q Did you ever know this man Maxwell K. Houston? A No sir.

- Q Did you ever hear of him coming up there? A I never saw him.
- Q Do you know him? A No sir, never saw him before until I saw him on the train yesterday. I don't claim to know everybody but I know my people, my old master's relations and all my colored people, his brothers who used to visit at his house, I knew them, I was his house girl & now I was 5 years old.
- Q Who was this Fields? A My old master's grown nephew, David Field's son, and this Ailsy was his mother.
- Q Then you never lived more than a mile away from Judge Brown's from the time you were born his slave until the time you were freed, you never lived over a mile from Judge Brown's? A Never was two or three days without seeing some of my people.
- Q Was your mother living when the war come up? A No sir died the year before the war come up.
- Q Did she die the slave of Judge Brown? A Yes sir, my father died in the time of the war.
- Q Was he the slave of Judge Brown? A He was the slave of Jennie Brown, Judge Brown's wife, she set him free when he was 31.
- Q Did Judge Brown have a farm in connection with this place? A Yes sir had a farm.
- Q Did he have any children himself? A No sir, never as I heard of. He said he never was called father in his life, he raised other people's children, two or three sets of children.
- Q You know Mrs. Seabolt, a witness here? A Yes sir.
- Q Do you know that man out there, Mr. Seabolt? A Yes sir, her son.
- Q He was there at Judge Brown's when the war come up? A Not more than 3/4 of a mile to their house across the creek.

BY MR. HEAL:

- Q You are a Cherokee freedman regular enrolled? A Yes sir, I am on the 1860 roll, never was disputed in my life.
- Q You say that Judge Brown never hired out any of his slaves? A Yes sir.
- Q You knew all of his slaves around the house there? A Yes sir.
- Q Up until 4 years before the war when you were with Fields? A Yes sir.
- Q After that time you did not know so much about the slaves? A He didn't have any to hire out, you see have run off and he sold Charley, and he didn't have any but my brother Billy and he was only about 19 years old.
- Q He just had two, you and your brother Billy? A Yes sir, then the young man gave, master give him his freedom when he was a boy. My sister had a son named Louis and Jefferson.
- Q Fields was your owner? A Yes sir, when I went to Fields my old master kept two of my children. After I started he said that it was going to be separated, he said send back and get the girl, and I sent back and got the girl, my oldest daughter now, Malira.
- Q You say Judge Brown never did have a woman named Lucy that you knew anything about? A No sir.
- Q You don't mean to say that he didn't have any, just that you don't know anything about? A No sir, none in my house.
- Q You would not swear that he didn't own a woman named Lucy? A I would not swear before my time, I would swear it.
- Q He didn't have any that you know anything about? A No sir, never had any that he kept at home, every one was at home that he owned.
- Q How do you know it? A Because, it was all the colored people he had.
- Q You don't mean to say he didn't have none elsewhere either? A I don't think he ever owned any more except what the re was of me.
- Q You mean that he didn't own any others? A If he did he had them secretly.
- Q Now you mean to say then that your master had no slaves except those mentioned you never heard him or anything about it? A No sir.

- Q And therefore you do not know anything about it? A No sir, because I don't think he owned any except what was at home.
- Q Now you say he and his wife separated here or in Tennessee?
- A He left her in Tennessee, and he come to this country, and on his way to this country he married this woman's mother.
- Q Did she come on over here? A She come up here on Lee's Creek.
- Q When she come over here you said they divided the slaves? A Yes sir.
- Q Where did she go? A To Illinois, she died somewhere in Illinois.
- Q How many slaves did she take off with her? A She had 6 or 7.
- Q You don't know anything about the slaves she took with her?
- A Yes sir.
- Q How long before the war was it she and Judge Brown separated?
- A A long time, separated before I was grown, I come here when I was a baby for I got up a good big girl she died, and when she died all of the colored people went back to Tennessee to her grand-daughter.
- Q A part of them went to her husband, didn't they? A No sir, he never got none only what was his, he never got any of her estate.
- Q Now you say when the war broke out you say he had you and your sister and old man Dave? A Yes sir.
- Q He had three grown slaves? A No sir, he had more than three grown slaves, me, mother, Uncle Dave, and my sister, and my sister's daughter was grown, and my sister's other daughter was grown and her son about 16 years old.
- Q Then he had 8 slaves when the war broke out? A He had more than that.
- Q I mean those grown? A My son was about 19 years old.
- Q Do you know Isom Johnson? A Yes sir.
- Q Did you know him before the war? A No sir, not until the time they were registering.
- Q Never saw him before the war? A No sir, I got acquainted with him, they called me in for a witness and I didn't know him before the war.

BY MR. HASTINGS:

- Q About how long before the war did Judge Jim Brown's first wife from whom he separated in Tennessee die? A Jennie Brown.
- Q Yes? A I couldn't tell you that, I wasn't grown when she died.
- Q You weren't married, you didn't have any children? A No sir, just a girl 10 or 11 years old.
- Q You were 24 when the war came up? A No sir, I wasn't 24 when we went off about 22 when we come back I was 26.
- Q Then you were according to your statement about 10 or 11 years before the war? A Longer than that.
- Q About 15? A I expect it was and longer to, she didn't live so many years, I was no more than a waiting girl on the table.
- Q A good many of her slaves went back to Tennessee? A Yes sir, and they were all my relations.
- Q You know them all? A Yes sir.
- Q She didn't have any by the name of Lucy? A None that ever I knew of.
- Q Could Judge Jim Brown had a negro woman by the name of Lucy who had two children and lived there at Judge Jim Brown's without your knowing it? A Not before the war, no sir. The only woman that ever I remember married a colored man that belonged to Coody.
- Q You had a child named Lucinda and she died? A Yes sir, died when she was 10 years old.

BY MR. HEAL:

- Q Do you know of any of the old slaves Judge Brown had living now?
A I got a sister down here, sister Mary.
Q Where does she live? A Vian.
Q What is her name? A Mary Griggs, she is blind.
Q Do you know any of the others? A No sir, none of them living, yes sir one of them that belonged to the old lady.
Q Then you are the only one of Judge Brown's slaves that belonged to him that is living now? A Yes sir.
Q Then you are the only one of the old slaves that are still living?
A Yes sir, and one of my sister's daughters she is living.
Q How old was she when the war broke out? A About 5 or 6 years old.
Q You were the only one old enough to remember things at the time of the war, that is living now? A Yes sir.

WITNESS EXCUSED.

JOSHUA SEABOLT, being first duly sworn, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A Josiah Seabolt.
Q What is your post office? A Long.
Q District? A Sequoyah.
Q Are you a Cherokee by blood? A Yes sir.
Q What is your mother's name? A Nancy.
Q What is her post office? A Long.
Q Does she live near Uniontown? A Yes sir.
Q Did you know Judge Jim Brown in his life time? A Yes sir.
Q How old were you when the war came up? A I must have been about 9 years old.
Q Were you living with Judge Brown? A No sir, I was living with my mother.
Q How far from Judge Brown's place did your mother live? A It was about a mile.
Q She was a step-daughter of Judge Brown? A Yes sir.
Q Were you acquainted with Judge Brown's slaves? A Yes sir.
Q Did he have a colored woman by the name of Lucy? A If he did I don't recollect any by that name.
Q Did you ever know a free colored man by the name of Jack Norman?
A No sir.
Q Did you ever know this colored applicant here, Horace Norman?
A No sir.
Q Was he a slave of Judge Brown before the war? A Not that I know of.
Q Did Judge Brown have any slaves by the name of Horace? A No sir not that I knew, wasn't any by that name.
Q Did you know them? A Yes sir, I knowed them.
Q And he didn't have any by that name? A No sir.
Q What kind of a house did Judge Brown live in? A In a frame house big tall story frame building.
Q Is that house standing yet? A Yes sir.
Q Who lives there? A My mother lives there.
Q Was she lived there since the war? A Yes sir.
Q And she lived within a mile of it before the war? A Yes sir.
Q And Judge Brown was her step-father? A Yes sir.
Q Did you know this colored woman that left the stand? A Yes sir, I have known her all my life.
Q Was she a slave of Judge Brown? A She was, she had been, she was at the time I used to see her there, and then she moved over south of Judge Brown's.
Q About how far? A Something about 1 1/2 miles.
Q With whom? A With Arch Fields.

- Q Did you know Rosanna's mother? A Yes sir.
Q Did you know her father? A Yes sir.
Q Who were they the slaves of? A Her mother was as near as I recollect the slave of Judge Brown.
Q Did Rosanna have any children when the war came up? A Yes sir.
Q What was some of their names? A A boy named Pompey, one named Jerry, a little girl named Myra.
Q Was there any Horace belonged to any of them, I mean the child of any of them? A No sir, not that I know of, never heard of any named Horace.
Q Did you know all the little boys in the Brown family? A Yes sir.
Q Played with them? A Yes sir.
Q If there had been one named Horace 4 or 5 years old when the war came up would you have known it? A Yes sir.
Q Was there one by the name of Hudson, a brother to Horace? A Never heard of any one by that name.

BY MR. NEAL:

- Q How old did you say you were now? A 51 years old last February.
Q How old were you when the war broke out? A I must have been about 9 years old.
Q You are 51 now, the war broke out in 1861, then you were about 6 or 7 when the war broke out? A I don't just exactly know how old I was when the war broke out, I was born in 1854.
Q You were born in 1854? A Yes Then you were 7 years old when the war broke out? A I expect something about that.
Q How far did you live from Judge Jim Brown's? A About a mile.
Q When you were a boy? A Yes sir.
Q The most of these slaves you got acquainted with them during the war and after the war? A During and after the war some of them.
Q You don't mean to say that you remember the names of all the slaves and the different slaves that were there before the war when you were only 7 years old? A No sir, not all the slaves. He had some before I was born.
Q You don't testify that you knew all the slaves he had? A I don't remember all of them.
Q Then you don't know whether he had a woman named Lucy or not, do you? A No sir, he might have had one before I can remember.
Q How old were you when you remember, 7 years old, do you remember the names of all his slaves at 7? A He might have had some.
Q He seemed to have had some at the outbreak of the war that you were too young to remember, were you, you just remember those old slaves that just helped take care of you and nursed you? A I can name them.
Q You are not willing to testify, of course couldn't testify, being only 7 years old what slaves he had, some of them you knew, some of them you don't. You don't know whether he had one named Jane or not, is not that true, do you mean to tell the Commission that you remember the names of all the slaves their names, when you were only 7 years old when the war broke out? A All of them.
Q All of them? A I don't know he might have had some before.
Q Some that you don't remember? A He might have had some and disposed of some of them, that wasn't there when the war came up.
Q Wasn't at the house, around the house? A No sir, might have been so somewhere else.
Q Then you don't know and cannot testify can you whether he owned a slave named Lucy or not, you don't know? A No sir, I don't.

BY MR. HASTINGS:

- Q Did he have one named Lucy there at his place when the war came up?
A I never heard of any by that name when the war came up.
Q Did you hear of one of that name? A No sir.
Q Did you ever know by that name? A No sir.

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- Q Did you ever know any woman there that had a child named Horace? A No sir.
- Q Did you know all of his slaves when the war came up? A All that he had there.
- Q And if you were asked about any one of them you could tell whether he owned that one or not, couldn't you? A Yes sir.
- Q While the war was officially declared in 1861, yet it didn't really run the people out of the country down there until 1862 or 1863 did it? A I don't know just what time it was when it runed the people out.
- Q And your mother was a step-daughter of Judge Brown? A Yes sir.
- Q And you were backward and forward nearly every day? A Yes sir.
- Q When did you first see this applicant Horace Norman? A To day is the first time I ever saw him.
- Q Was he at Judge Brown's place there before the war as Judge Brown's slave? A I never did see him, if he was.

BY MR. HEAL:

- Q Suppose this, suppose he was two or three years old before the war, had been hired out when you were 3 or 4 years old?

We object to this question because it is not the contention of the party, and the witness for the applicant, named Harkwell H. Houston swore that he saw this boy there with Lucy Brown in 1860, and therefore it is supposing it upon a supposition that is not borne out by the testimony.

On behalf of the Commissioner: Objection noted.

- Q Answer the question? A What was the question.
- Q I asked you if this boy's mother had been there when you were two or three years old and had afterwards been hired out, would you remember? A No sir, I don't reckon I would have remembered anything like that. If I was 3 or 4 years old I would have not have known who was hired out and who wasn't.
- Q You were but 7 when the war broke out were you? A About that, I never just studied out how old I was, I know when I was born.

W I T N E S S E X C U S E D.

NANCY SEABOLT, being first duly sworn, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A Nancy Seabolt.
- Q How old are you? A 78 years old.
- Q What is your post office? A Uniontown, Arkansas, I stayed close to Shakespeare, we don't get our mail there any more.
- Q Are you a Cherokee by blood? A Yes sir.
- Q Did you know Judge Brown before the war? A Yes sir.
- Q I believe you testified in this case at length before, have you not? A Yes sir.
- Q You testified then that you were a step-daughter of Judge Jim Brown? A Yes sir.

Mr. Heal: I want to object to this witness testifying at this time because of the fact that she has heretofore been examined, and this hearing is for the purpose of taking additional testimony, and not for the purpose of taking original testimony.

On behalf of the Commissioner: Objection noted.

- Q You have testified before in this case? A Yes sir.
Q And what you testified to were the facts in the case? A Yes sir.

On behalf of the Commissioner; A copy of the testimony taken in this case will be filed with and made a part of the record in case of Irene Cannon et al., Cherokee Freedman D--160.

The Attorneys for the applicants and the Cherokee Nation announce that they have no further testimony to introduce in this case, this case will be closed and a decision prepared upon the evidence heretofore introduced.

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George H. Lesley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lesley

Subscribed and sworn to before me this 26th day of August, 1905.

J. H. ...

Notary Public.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., AUGUST 24, 1908.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of HORACE S. NORMAN ET AL., as Cherokee freedmen.

APPEARANCES:

For Applicants, Neal & London.

For the Cherokee Nation, W. W. Hastings.

MARKWELL H. HOUSTON, being first duly sworn, testified as follows:

BY MR. NEAL:

- Q What is your name? A Markwell H. Houston.
- Q How old are you? A I was 71 the 21st of this last June.
- Q Where do you live? A Down in Sequoyah District.
- Q What is your post office address? A Redland, Indian Territory.
- Q Are you acquainted with Horace S. Norman? A Yes sir.
- Q How long have you known him? A I have known him a good many years.
- Q Did you know his mother before him? A Yes sir.
- Q When did you first know his mother, first see his mother, about when? A It was in 1860, I suppose, it was the year President Lincoln was elected, in that year I knew.
- Q Well, what was his mother's name if you remember? A Lucy, I think Lucy Brown she was called.
- Q Do you know who she belonged to before the war in 1860? A I suppose she belonged to Brown.
- Q What Brown? A Jim Brown.
- Q Why do you suppose she belonged to Jim Brown? A Because she was there to work. I was kinder afraid to be in here, of course I had -----
- Q You were a free negro? A Yes sir, and had an object coming here to find the Browns. I was a Brown, you can see it on my application, and I come in here then and I was afraid to be seen, I was a slave here as well as back yonder.
- Q You say you come in here in 1860? A Yes sir, I came in here and saw the woman.
- Q You went up to Judge Brown's when you came in? A I did.
- Q You came from Tennessee was it? A Yes sir.
- Q And you went up to Brown's place in 1860? A Yes sir.
- Q And you saw this woman there? A Yes sir.
- Q She was reputed to be a slave of Brown, and worked for Brown at that time? A Yes sir.
- Q Did you see her off and on then until the war of the rebellion? A No sir, I didn't see her.
- Q When did you leave there? A I didn't stay there very long, I found Judge Vann and Green Johnson.
- Q And you went to, -----? A George Vann.
- Q Did you see her later after that, at other times? A No sir.
- Q Did you see her after the war? A No sir, I didn't.
- Q Did you see Horace here? A Yes sir.
- Q How big was Horace when the war broke out? A He was a child.
- Q How long after the war was it before you saw him? A I saw him in '66.

- Q Immediately after the surrender? A No sir, not immediately the surrender was on the 9th of April, 1865, and this was in 1866, I came home and it was in the fall at that.
- Q Have you seen him off and on since then? A Yes sir.
- Q Is he the same boy that was the son of Lucy Norman who was the ad. ve of Judge Brown? A Yes sir.

BY MR. HASTINGS:

- Q What time in the year did you go to Judge Jim Brown's house the first time? A I went there, I think it was in May, 1860.
- Q Where was Judge Jim Brown living at that time? A Up on Lee's Creek.
- Q And that was the place that you saw Horace Norman, the applicant, and his mother Lucy? A Yes sir.
- Q They were living there on Lee's Creek? A Yes sir.
- Q What kind of a house was Judge Jim Brown living in? A I don't really know, I think it was a hewed log house.
- Q One room? A I don't know how many rooms, but I rather think,--- you see I went there to keep out of sight.
- Q How long did you remain there? A I didn't remain there long.
- Q An hour? A I think I did remain there an hour or over an hour.
- Q Two hours? A I stayed all night.
- Q Just stayed all night? A I stayed all night there for something like a week.
- Q You stayed around there about a week? A Yes sir, but I didn't stay around there in the day time.
- Q You stayed around at night? A Yes sir.
- Q got a ring that time you of course got acquainted with Judge Brown? A No sir.
- Q Did you ever see Judge Brown? A I never seen him only once at a distance.
- Q How long a distance, a quarter of a mile? A O, no sir.
- Q About how far? A I don't know, I was on the place and he was on the place.
- Q About how far off did you see him? A I didn't pay no attention to that.
- Q Never paid any attention to it? A Not the distance, of course, I never thought anything about that.
- Q But you remember of having seen him? A Just seen him, he was kinder walking sideways, they said that was the old boss.
- Q About how old was Horace Norman when you saw him in 1860? A He was a baby.
- Q A year or two years old? A I don't know.
- Q Was he in his mother's arms? A She would take him up and handle him when he was around.
- Q He would be under two years old? A I aint going to be exact because I can't.
- Q Might he have been nursing? A He might have been and he might have not.
- Q He was between 6 months and 2 years old? A Yes sir, somewhere along there.
- Q Not over that? A I don't think it would have been.
- Q Anyhow playing in his mother's lap? A Yes sir? I don't know whether I noticed whether he could walk or not.
- Q Did you know Horace's father? A I didn't see his father while I was there.
- Q Did you ever see his father? A I don't think I ever saw him.
- Q And you think Judge Brown had a hewed log house? A I think so, I don't propose to know because I had enough to do to keep care of myself.

- Q What direction did Judge Brown's house face, the east, west, north, or south? A I don't know.
- Q Did he have a well or spring? A I don't know that, I had no occasion to know it.
- Q Did he have any farm in connection with his house? A There was a little farm there around the house. That is I seen some part of the farm, I never went over that, when I went out of the house I went into the woods.
- Q Did you see any farm there at all? A I don't know, it appears to me like I did, I don't know whether it was a cattle farm or nothing as I told you when I went away from the house I went into the woods.
- Q Did Judge Brown have any other slaves that you got acquainted with? A No sir, I seed some there but I don't think,--I don't know whether they belonged to him or not, never had no talk with them.
- Q Did he have any colored men around there? A I seed none of them.
- Q You never saw any of them yet you stayed around there about a week at nights? A Yes sir.
- Q You saw some colored women but you don't know their names? A No sir.
- Q How many? A One or two I think.
- Q Did they sleep in the same house Judge Brown did? A I don't know whether they did or not.
- Q Where did you sleep? A In the cabin.
- Q In the house Judge Brown lived in? A No sir, with this woman Lucy, where she stayed.
- Q Was that the same house Judge Brown stayed in? A No sir, a cabin there.
- Q What direction was Judge Brown's house from this cabin? A I couldn't tell you.
- Q North, east, south or west? A I don't know.
- Q About how far was the main house from the cabin? A Well, now I can't tell you that.
- Q Well was this house on a high hill or was it on the prairie, or was it in the flat woods or was it in the bottom, what kind of land around it? A It looked to me like it was poor.
- Q What kind of land, prairie land? A There was some woods there.
- Q Was it thin woods, what you would call prairie woods, little strips of timber over it? A Thin woods I call it.
- Q Did you find any streams there, any rivers? A No sir, I didn't see any rivers.
- Q No streams of any kind? A No sir, not about the house.
- Q None near there? A Lees Creek was near there.
- Q How far was Lee's Creek from Judge Brown? A That would be something,--I didn't measure it, I didn't pay no attention to it.
- Q Was it then 5 miles? A Yes sir, it was less than 5 miles, must have been.
- Q About how far, your best judgment? A I don't know, I hate to tell you something I can't tell.
- Q Do you positively swear that you saw Lee's Creek when you went up there? A I crossed it.
- Q How far was it from this place of Judge Brown's? A I couldn't tell you I crossed about 3 or 4 miles above Van Buron, and I went some good ways before I got to his house.
- Q You didn't see Lee's Creek within 10 miles of his house? A I couldn't tell you about that.
- Q And you didn't see it when you left there? A Yes sir.
- Q About how far after you left Brown's before you saw it? A I don't recollect about that, I come down to this place you call Henry, I come down that way but I don't know how far it was.

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- Q Your best judgment? A You know a man can't have much judgment about that.
- Q You ought to have some idea about how far it was? A I couldn't say, may be it was 3 or 4 miles, it might have been that, I can't tell.
- Q Now that is as much as you know of that location is it? A Yes sir, for I never paid no attention to it.
- Q Was there any yard fence around Judge Brown's house? A Yes sir.
- Q Any trees in the yard? A I think there was, I am not certain, I paid no attention to it.
- Q You don't know what direction his house faces? A I do not know.
- Q What was Judge Brown's wife's name? A I don't know whether he had a wife.
- Q Did he have one? A I don't know.
- Q Did Judge Brown have any children there? A I don't know as he had any child.
- Q Do you swear he did or didn't? A I couldn't swear that at all.
- Q How did you get up there? A By direction of an other people I went there, this woman taken care of me as I asked her.
- Q Were you related to her? A Not a bit.
- Q You had never seen her before? A No sir.
- Q How did you come from Tennessee to Van Buren? A I come on a boat part of the way.
- Q Where did you get off? A At Van Buren.
- Q Who directed you to Judge Brown's house? A I found that out before I left Tennessee.
- Q And you knew where he lived? A I don't know but I was told how where he lived.
- Q You didn't inquire in Van Buren because you knew when you left Tennessee? A I didn't need to inquire because I was told to hunt somebody out of the town and find such a man by the name of Brown.
- Q What did you hunt Judge Brown for? A To find this woman that they give me the name of.
- Q To whom did she belong to before? A Before when.
- Q Before she belonged to Judge Brown? A I don't know.
- Q How did you get the name of this woman? A The parties that give me the name, they are the ones that told me her name.
- Q Who was it told you that? A The Browns back yonder.
- Q How old was Lucy Brown when you saw her in 1800? A She was a young woman.
- Q About what age? A She might have been 18 may be 20, somewhere along there, I don't just know her age.
- Q Don't you know as a matter of fact Judge Brown came to the Cherokee Nation in 1837? A Yes sir.
- Q And that therefore if this woman belonged to Judge Brown at that age, and she was about the age you indicate, that she would have had to have been born in this country? in 1838 and therefore anybody in Tennessee could have known her to direct you to her? A People came back and forward from Tennessee here.
- Q Who was it, give me the name of one person that went back and give you the information of this Lucy Brown? A Elman Jimon, my father.
- Q Your own father? A Yes sir.
- Q How long had it been since he had been in this country when he went back there and give you this information in 1800? A He was here in 1838 I believe, and he was here again, I don't know whether he was here or not, but he come off in this direction, he was here in 1832.
- Q That was the last time you ever knew of him being here? A I don't know whether he come or not but the trouble is I knew he come out this way.

- Q So according to your own statement this Lucy was a mere child then? A I expect she was.
- Q Why didn't he direct you to some older person? A Because, he knew this woman.
- Q You have applied for citizenship here, haven't you? A Yes sir.
- Q Applied as a Cherokee by blood, didn't you? A The blood, of course I did.
- Q And you were rejected, weren't you? A Yes sir.
- Q And you applied as a freedman? A Yes sir.
- Q Then you were rejected? A Yes sir.
- Q Did you ever apply in the Chickasaw nation? A No sir.
- Q Ever apply in the Creek nation? A No sir.
- Q And as a freedman to? A Yes sir, and Mr. Needles told you I had a right too, at Fort Gibson, had a right to apply by blood because.
- Q Where did you go from Judge Brown's house? A I told you I came out toward Remy, cross across Lee's Creek on down right near about half way from the bridge down to Cherokee Station now.
- Q And you stayed there? A Yes sir, until I went away from here.
- Q How long before you went away? A The next May.
- Q May of 1861? A Yes sir.
- Q Where did you go? A Back to Tennessee.
- Q How did you go? A Any way I could get to go, sometimes on a boat from about Van Buren.
- Q Where did the boat land, where did you get off? A After I get off of it I don't know where it went.
- Q Where did you get off? A At the mouth of the Arkansas River.
- Q You had the means to pay your way? A Yes sir I did.
- Q Had you been doing anything that year? A I made some money.
- Q Tell how? A I made it.
- Q Who did you work for? A I didn't work for anybody, I worked there with Vann.
- Q George Vann, just along with him? A Yes sir.
- Q Where did he put you to work? A Sometimes put me to cutting logs.
- Q Who did you cut logs for? A I don't know.
- Q Where did you cut them? A Down on the river between Fort Smith and Cherokee.
- Q Was there a saw mill down there? A No sir.
- Q What did you do with the logs? A They carried them off.
- Q Did you see any Cherokees around there? A No sir.
- Q You never did get acquainted with a Cherokee before the war? A I should think I did.
- Q If you did, who was it? A I was acquainted with several.
- Q Tell me one of their names? A I was acquainted with old man John Brown.
- Q John Brown? A Yes sir.
- Q Was that this Judge Brown? A No sir.
- Q Where did John Brown live? A In Tennessee.
- Q I mean in the Cherokee Nation? A In the Cherokee nation I was acquainted with John Going and Betay Going.
- Q They were free colored people? A No sir.
- Q They were negroes, colored people? A No sir, I don't think they were, they looked like Cherokees to me.
- Q Where did they live? A Not far off of Lee's Creek.
- Q How far from Judge Brown? A Way back this side.
- Q About how many miles? A May be 5 or 6, I don't know.
- Q You landed at the mouth of the Arkansas River going back to Tennessee? A Yes sir.
- Q Where did you join the army? A At Murfreesboro, Tennessee.
- Q There is where you lived? A No sir.
- Q Where had you been living? A Up further toward Chatanooga than that.

Mr Neal: I don't see the materiality of this questioning, I don't see why it can affect the rights of the applicant one way or the other.

Mr. Hastings: I think ~~materiality~~ the residence of this witness is very material.

On behalf of the Commissioner: Objection noted.

BY MR. HASTINGS:

- Q You said you knew Lucy Brown, did you? A Yes sir.
- Q You never had seen her except these nights? A Yes sir.
- Q Did she have any other children besides Horace at that time?
- A Yes sir.
- Q What were their names? A Hudson, I think was one.
- Q The next one? A Horace.
- Q The next one? A I don't know about that.
- Q Hudson was older than Horace? A Yes sir.
- Q Did she go by the name of Norman, and these children at that time? A She was called Lucy Brown.
- Q How much older was Hudson than Horace? A Looked to be 3 or 4 years older.
- Q Did you swear that you were well acquainted with Lucy Brown?
- A No sir.
- Q Did you sign this affidavit, is that your signature? A Yes sir, that is my signature.
- Q Did you sign an affidavit before H. L. Rogers to reopen this case for this purpose? A I signed an affidavit, I think down yonder, I made my statement without the affidavit. I made the statement there I knew.
- Q Did you sign that affidavit? A If that is the affidavit, I must have signed it.
- Q But you didn't swear that you were well acquainted with her?
- A No sir, I was only there a week that is all I told them.
- Q Did you swear on the 17th day of April, 1906, before H. L. Rogers, a Notary public, that you were well acquainted with Lucy Brown the mother of Horace S. Norman and Irene Cannon? A This was after that time, I didn't get well acquainted with their mother.
- Q Did you swear that Lucy Brown was a slave of Judge James Brown?
- A I don't think I swore that, I know she was there acting as a slave that is all I knew it. That is the way some of my papers got fixed.
- Q You think then H. L. Rogers put this up on you? A I don't know, I didn't get well acquainted with her.
- Q You didn't intend to say that? A No sir.
- Q Who got you to make this affidavit? A Mr. Norman.
- Q Was H. L. Rogers there? A Yes sir.
- Q What interest did he have in this case? A None that I know of.
- Q And he came up on the train with you last night? A Yes sir.
- Q Did he come out to get you the other day to bring you here as a witness? A No sir.
- Q When did you see him last before you came up here? A I saw him in Fort Smith.
- Q He talked to you about coming up here as a witness? A Yes sir, I believe he did say something about it, Norman was talking to me about it, we all come together.
- Q There was this affidavit made signed by H. L. Rogers was it made in Fort Smith, or where? A I reckon they must have drawn it up there and brought it to me.

- 7-
- Q Where was it made? A I can't tell you.
- Q Was it made in Fort Smith or where? A I don't know.
- Q Don't you know where you signed it? A I think at home? I think I did, I want to be straight about it.
- Q Is Callis West here? A No sir, I don't think he is.
- Q Were you present when Callis West signed this by X mark? A No sir.
- Q He didn't come up here as a witness? A No sir.
- Q Where was Horace when you first saw him after the war? A I don't know where he was living, but I will tell you where I saw him, about where the ferry runs across the river, in the fall of '66.
- Q With whom was he living? A I don't know.
- Q Was he married then? A No sir, he was only a boy.
- Q Who was he living with? A I don't know, I tell you I saw him there.
- Q At what place did you see him? A I saw him right on the river where the ferry boat runed along.
- Q Just standing out there on the road by himself? A Yes sir, and Mr. Johnson was there, and Isaac was there too.
- Q They were standing out there together? A I met them right there.
- Q When did you see Horace again after that? A I don't know, it was, I saw him very often in passing up in the Cherokee Nation myself.
- Q Where did you ever see him where he was living after the war?
- A Now I don't know as I know of any place he lived himself because it was sometime before I saw him again.
- Q How long before you saw him? A Now it may have been 10 or 12 or 15 years, I don't know what time it was.
- Q Where did you see him? A I never seen him to live at any place until he lived there at George Vann's, I got him to go there myself.
- Q When was that, during this last payment in 1896 or 1897? A I think it was after the payment.
- Q Then you never saw him from 1866 until after the payment? A Yes sir, I did, I didn't tell you that.
- Q Where did you see him? A I can't tell you where I met him, but the trouble you want to find out his home.
- Q Where did you meet him the next time? A At my house.
- Q Where were you living? A At Van Buren, he came there several times to see me.
- Q Where was he married? A I don't know where he was married.
- Q Do you know his wife? A No sir.
- Q Do you know his children? A I know Lee, Harry, Caro,---
- Q You don't know Irene? A Yes sir.
- Q Where was she born? A I don't know that, they have not been living right around me.
- Q Were you ever at Horace Norman's house? A Yes sir.
- Q That has been since the payment in 1897? A I believe so.
- BY MR. NEAL:
- Q You say this is your signature to this affidavit? A Yes sir.
- Q Was it read over to you before you signed it? A Yes sir, I think so.

W I T N E S S E X C U S E D.

—3—
ISOM JOHNSON, being first duly sworn, testified as follows:

BY MR. KEAL:

- Q What is your name? A I am Johnson.
Q How old are you? A I don't really know, I have only what was given me, what George Johnson told me.
Q About how old are you? A About 78 the last I learned from him.
Q How long have you lived in the Territory, in the Cherokee Nation?
A All my life, born and raised in the Cherokee Nation.
Q Were you acquainted with Horace S. Norman? A Yes sir.
Q Did you know his mother before him? A Yes sir.
Q Who did she belong to before the war? A To Judge Brown.
Q Was Judge Brown a Cherokee Indian? A I suppose he was a Cherokee Indian, that is what he was said to be.
Q What was Horace Norman's mother's name? A Lucy Brown.
Q Were you well acquainted with her before the war? A Yes sir, I knew her, I was acquainted with her.
Q Where did you get acquainted with her before the war? A The first acquaintance I got of her was up at Judge Brown's own place on Lee's Creek.
Q Was Judge Brown's old original place on Lee's Creek? A Yes sir.
Q Then do you know after that did you ever know her down in the bottom at work? A Yes sir, I saw her.

Mr. Hastings: Objected to as being leading and I move that the same be stricken from the record because it is not shown yet that she was ever in the bottom.

On behalf of the commissioner: Objection noted.

- Q How long before the war did you know her? A Some 4 or 5 years.
Q Where did you see her the year before the war, the year the war broke out where was she? A She was at Judge Mackeys.
Q Where is the 1 with reference to Judge Brown's place? A I mean she was at Browns the first acquaintance I got of her.
Q Right before the war you said she was at Mackeys? A She worked there, I don't know how long, her and several others of them, he had them hired out at the Salt works at Mackeys.
Q Is she the mother of Horace Norman? A Yes sir.
Q How long have you known Horace? A All of his life.
Q You know Horace Norman is the child of Lucy Brown, who was the wife of Judge Brown? A Yes sir.

BY MR. HASTINGS:

- Q You are an applicant to be enrolled as a Cherokee freedman? A

Mr. Keal: Objected to because it is incompetent.

On behalf of the Commissioner: Objection noted.

- A Yes sir.
Q You had a wife by the name of Matilda? A I did.
Q Son Paul? A Yes sir.
Q Son Isaac? A Yes sir.
Q Daughter Lulu? A Yes sir.
Q Son Adam? A Yes sir.
Q Son Turner? A Yes sir.
Q Daughter Ida? A Yes sir.

Q And the Commission refused you on July 23, 1904, did it not?
A I suppose it is so.

Q And the Secretary of the Interior approved that rejection on September 22, 1904? A Yes sir, I suppose so.

Q How far did you live from Judge Brown's when the war came up?
A I don't know exactly, I lived in the bottom.

Q How far from where he lived? A I can't tell just how far it was, it may have been 25 or 30 miles.

Q Did you ever see Lucy Brown at Judge Brown's place? A Yes sir.

Q How long before the war? A Some 4 or 5 years.

Q Did you ever see Horace Norman there? A I don't recollect, she had some two or three children.

Q You don't remember of seeing him before the war? A There was a couple of boy children there, one of them as well as I recollect the eldest one was some older than this one here.

Q How old was the younge st one? A I reckon at that time as well as I remember some two or three years old.

Q And that was some 4 or 5 years before the war? A Yes sir.

Q You never saw them again before the war? A Not until I saw them down in the bottom.

Q That was after the war? A Yes sir.

Q Did you see him any more until after the war? A No sir, for the simple reason George Johnson went off to Boggy Depot.

Q Then you saw him some 4 or 5 years before the war and you never saw him any more until after the war? A Yes sir.

Q How long after the war before you saw him? A It was along, I think, in 1867, if I recollect right.

Q You may be mistaken about it? A I think it was in 1867.

Q Was he married then? A Who was that?

Q This Horace, when you saw him? A I don't know anything about the marriage, I don't recollect nothing about that.

Q Did you see his wife and some children? A I suppose we saw some children, I reckon it was his wife and children.

Q Reputed to be? A Yes sir, claimed to be.

Q And that was in 1867? A Yes sir.

Q Where did you see them? A In the bottom from Fort Smith up in the bottom? A

Q They were living in a house there? A Yes sir, in a cabin up near us on the Garrison creek in the bottom.

Q And that was the first time you saw them after the war? A Yes sir, living in a cabin up there.

Q What was this woman's name he was living with and how many children did they have? A I don't recollect but three.

Q What were their names? A I don't remember that, I wasn't around them a great deal.

Q They were claimed to be his children? A Yes sir.

Q He recognized them? A Yes sir.

Q He recognized this woman as his wife? A Yes sir.

Q On whose place was he living? A I don't remember whose place, I think, as well as I recollect, it was on Stealer's place.

Q You are not going back on that statement are you at all? A No sir.

Q You understand it? A I think it was on the Stealer place.

Q Was his eldest child a girl or boy? A I think a boy if I recollect right, I think it was.

Q Were you ever at Judge Brown's place before the war? A Yes sir, I drove cattle around there.

Q Was it kind of a house did he live in? A If I recollect right it was a double log house.

- Q How far from Lee's Creek, about how far? A I don't know, it was a short distance from Lee's Creek.
- Q Wasn't it just between little Lee's Creek and Big Lee's Creek, and about a quarter of a mile from the creek? A I think that is just about right.
- Q Did you know any other of Judge Brown's slaves? A I knew Martha Brown.
- Q Did you know Rebecca Weldon? A Yes sir, & lightly.
- Q Did you know her as the slave of Judge Brown? A If I recollect right she went by the name of Fields.

BY MR. NEAL:

- Q Let's see, did you understand Mr. Hastings awhile ago, you saw you saw Lucy some 4 or 5 years before the war at Judge Brown's place?
- A Yes sir.
- Q Then it was up where he lived? A Yes sir.
- Q Did you ever see her any more before the war? A No sir, not any more before the war, we had to go away out to Nappy Depot, George Johnson did and I never saw them any more until I came back.
- Q Did you come back before the war or afterwards? A I came back—
- Q You never saw her down at Mackay's at all? A Yes sir, I saw her there at work.
- Q You told Mr. Hastings awhile ago that you never saw her but one time? A I saw her out there with two or three others of Judge Brown's slaves.
- Q Do you remember the names of them? A Martha was one, David and this Lucy.
- Q Was there any more hired out down there? A Yes sir.
- Q Do you remember any of their names? A I am not certain but I think one of them was named Pomp, if I remember right.
- Q Then when you saw this woman Lucy first you say up at Judge Brown's place about 4 or 5 years before the war? A Yes sir.
- Q Then you saw her afterwards at the Salt works? A Yes sir.

BY MR. HASTINGS:

- Q How long before the war, just a few days after you saw her at Judge Brown's? A Yes sir.
- Q Then it was 4 or 5 years before you saw her? A Yes sir.

BY MR. NEAL:

- Q Now you said when you came back you saw Horace Herman in 1867, and that he had a wife and children at that time? A Yes sir.
- Q Then he must have been about grown when the war broke out? A He claimed the family.
- Q How old was Horace at that time? A I don't know, he may have been 17 or 18 years old, he was a young man.
- Q A young man when you came back there after the war? A Yes sir.

ON BEHALF OF THE COMMISSIONER:

- Q You say you saw Horace before the war? A Yes sir, and another brother of his.
- Q And he was the son of Lucy Brown? A Yes sir.
- Q And Lucy Brown belonged to Judge Jim Brown? A Exactly right.
- Q Was Judge Jim Brown a Cherokee by blood? A I would not say positively because there was other mixtures, he was a citizen, as far as I understand I couldn't locate him to say what mixture he was.
- Q He was said to be a Cherokee? A Yes sir.
- Q Do you know whether he was recognized as a Cherokee by blood or not?
- Q He was a recognized citizen as far as ever I understood.
- Q He was a mixed person? A No sir.
- Q If anything he was a Cherokee or white man? A As far as I know he was always said to be a Cherokee by blood.

ROBANKA MELTON, being first duly sworn, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A Robanka Melton.
Q What is your age? A 67.
Q What is your past office? A Redland.
Q Are you a Cherokee freedman? A Yes sir.
Q Were you a slave of a Cherokee citizen before the war? A Yes sir.
Q Who owned you? A Judge Brown, Judge Jim Brown raised me.
Q Where did Judge Brown live that owned you? A On Lee's Creek, Sequoyah District? A Yes sir.
Q About how old were you when the war came up? A I guess I was about 22 years old.
Q Did you have a son by the name of Pomp? A Yes sir, my oldest child.
Q To whom did he belong when the war came up? A Judge Brown.
Q Did Judge Brown have a wife? A Yes sir.
Q Were you well acquainted with Judge Brown's slaves? A Yes sir.
Q Did you know them all? A Yes sir, every he owned since I could recollect.
Q About how old were you when the war came up? A I guess I was about 21 years old.
Q Did you ever see this applicant, Horace Norman, here? A No sir, not before the war.
Q Have you ever seen him before this morning? A It seems to me, yes sir, I have seen him before.
Q About when? A At my house two or three days ago.
Q Did he come to your house then? A Yes sir.
Q Talked to you anything about being a witness in this case? A No sir, he didn't say anything to me only he asked me what my given name was. He said he had heard his mother speak of me many times and I asked him who was his mother, and he told me who his mother was.

Mr. Neal: We object to any conversation that took place there.

On behalf of the Commissioner: That is material, that will be heard.

- Q He told you who his mother was? A Yes sir.
Q Did you tell him that you knew his mother? A I told him I guess he was mistaken I guess it was some other Brown, I knew everything my old master had.
Q Did he own a woman by the name of Lucy Brown? A No sir, not that I knew of.
Q If he had owned one by that name would you have known it? A Yes sir.
Q Knew all his slaves? A Yes sir.
Q Did he have this applicant here, Horace Norman, when the war came up? A Not as I know of.
Q If he had of been there would you have known it? A Yes sir, never had anybody there but our family.
Q Did you ever know a free colored man in that country around there by the name of Jack Norman? A No sir.
Q What kind of a house did Judge Brown live in? A Frame house.
Q Two story? A Yes sir.
Q Is that house standing there yet? A Yes sir.
Q How far is it from Lee's Creek? A From Little Lee's Creek about 1/4 of a mile.
Q How far from Big Lee's Creek? A About two miles, or 1 1/2 miles.

- Q In between the two? A Yes sir, it was always called two miles.
- Q Where was your son Pomp when the war came up? A At home, he taken him off when he went.
- Q He took him with him? A Yes sir, he and my nephew by the name of Louis.
- Q You are the grand mother of Louis T. Brown here in town? A Yes sir.
- Q Were you married when the war come up? A Yes sir.
- Q How many children did you have? A 8.
- Q Name all the slaves of Judge Brown as you remember them? A The oldest one was my mother.
- Q What was her name? A Susie, the next eldest one was Uncle Dave, then my oldest sister, Aby, then Mary Ann, the the next eldest boy Jerry, Isaac, he died, the next oldest boy was brother Bill Brown, and sister Gallie, and sister Martha.
- Q What became of Martha? A She died.
- Q When did Martha die? A A number of years before the war.
- Q About how many years? A I just couldn't tell you.
- Q As much as 10 or 15 years? A Yes sir, about that, I think one of them died when she was about 14, Gallie was about 12 when she died.
- Q Did Judge Brown have any slave by the name of Lucy? A Not as I know of.
- Q Could he have had one by the name of Lucy? A No sir, never heard any by that name.
- Q Was any of them hired out over at Mackey's salt works? A Not as I knew of.
- Q Did he have a woman by any name who had two boys named Horace and one named Hudson? A No sir.
- Q Did he ever have a colored boy named Horace? A No sir.
- Q Was anybody connected with the family named Horace? A None as I knew of. I knew all the colored people, it was all one family. When Master Brown and his wife separated they divided the colored people.
- Q They separated in Tennessee? A Yes sir, he left her back there and he taken this woman's mother.
- Q Mrs. Seabolt's mother? A Yes sir, and when she come she come on the water, and when she come she would not live with him, she just moved up here in Illinois district and he ft him down in Bequeyah.
- Q But they never had one by the name of Lucy? A never as I know of.
- Q And your son Pomp never worked at Mackey's salt works? A No sir.
- Q Then if Isaac Johnson swears that he is mistaken? A Yes sir.
- Q Was there any other Pomp in Judge Brown's family besides your son?
- A No sir, I never heard of one.
- Q Except your son? A My son was 80 miles from Illinois to our house.
- Q Did Judge Brown own any other slave by the name of Pomp except your son? A None as I knew of.
- Q And he never worked at the salt works? A No sir, not as I knew of.
- Q Never hired any ever there? A Never hired of his colored people neighbors.
- Q What became of his colored people when the war come up? A Went to Fort Scott, Kansas, and I went south with Arch Yields.
- Q Where did you live then? A About a mile on the other side of Fort Smith.
- Q Where did your mother live? A At old man Brown's.
- Q Were you living there when the war come up? A Yes sir, never lived nowhere else all my days. Never was two days in my life without seeing some of my people until after the war come up.
- Q Did you ever know this man Markwell H. Houston? A No sir.

- Q Did you ever hear of him coming up there? A I never saw him.
- Q Do you know him? A No sir, never saw him before until I saw him on the train yesterday. I don't like to know everybody but I know my people, my old master's relatives and all my colored people, his brothers who used to visit at his house, I knew them, I was his house girl & now I was 8 years old.
- Q Who was this Fields? A My old master's grown nephew, David Fields's son, and this Ailsy was his mother.
- Q Then you never lived more than a mile away from Judge Brown's from the time you were born his slave until the time you were freed, you never lived over a mile from Judge Brown's? A Never was two or three days without seeing some of my people.
- Q Was your mother living when the war come up? A No sir died the year before the war come up.
- Q Did she die the slave of Judge Brown? A Yes sir, my father died in the time of the war.
- Q Was he the slave of Judge Brown? A He was the slave of Jennie Brown, Judge Brown's wife, she set him free when he was 31.
- Q Did Judge Brown have a farm in connection with this place? A Yes sir had a farm.
- Q Did he have any children himself? A No sir, never as I heard of. He said he never was called father in his life, he raised other people's children, two or three sets of children.
- Q You know Mrs. Seabolt, a witness here? A Yes sir.
- Q Do you know that man out there, Mr. Seabolt? A Yes sir, her son.
- Q He was there at Judge Brown's when the war come up? A Not more than 3/4 of a mile to their house across the creek.

BY MR. HEAL:

- Q You are a Cherokee freedman regular enrolled? A Yes sir, I am on the 1860 roll, never was disputed in my life.
- Q You say that Judge Brown never hired out any of his slaves? A Yes sir.
- Q You knew all of his slaves around the house there? A Yes sir.
- Q Up until 4 years before the war when you were with Fields? A Yes sir.
- Q After that time you did not know so much about the slaves? A He didn't have any to hire out, you see have run off and he sold Charley, and he didn't have any but my brother Billy and he was only about 19 years old.
- Q He just had two, you and your brother Billy? A Yes sir, then the young man gave, master give him his freedom when he was a boy. My sister had a son named Louis and Jefferson.
- Q Fields was your owner? A Yes sir, when I went to Fields my old master kept two of my children. After I started he said that it was going to be separated, he said send back and get the girl, and sent back and got the girl, my oldest daughter now, Eldira.
- Q You say Judge Brown never did have a woman named Lucy that you know anything about? A No sir.
- Q You don't mean to say that he didn't have any, just that you don't know anything about? A No sir, none in my house.
- Q You would not swear that he didn't own a woman named Lucy? A I would not swear before my time, I would swear it.
- Q He didn't have any that you know anything about? A No sir, never had any that he kept at home, every one was at home that he owned.
- Q How do you know it? A Because, it was all the colored people he had.
- Q You don't mean to say he didn't have some somewhere else? A I don't think he ever owned any more except what there was of us.
- Q You mean that he didn't own any others? A If he did he had them secretly.
- Q Now you mean to say then that your master had no slaves except those mentioned you never heard him or anything about it? A No sir.

- Q And therefore you do not know anything about it? A No sir, because I don't think he owned any except what was at home.
- Q Now you say he and his wife separated here or in Tennessee?
- A He left her in Tennessee, and he came to this country, and on his way to this country he married this woman's mother.
- Q Did she come on ever here? A She come up here on Lee's Creek.
- Q When she come over here you said they divided the slaves? A Yes sir.
- Q Where did she go? A To Illinois, she died somewhere in Illinois.
- Q How many slaves did she take off with her? A She had 6 or 7.
- Q You don't know anything about the slaves she took with her?
- A Yes sir.
- Q How long before the war was it she and Judge Brown separated?
- A A long time, separated before I was grown, I come here when I was a baby for I got up a good big girl she died, and when she died all of the colored people went back to Tennessee to her grand-daughter.
- Q A part of them went to her husband, didn't they? A No sir, he never got none only what was his, he never got any of her estate.
- Q Now you say when the war broke out you say he had you and your sister and old man Dave? A Yes sir.
- Q He had three grown slaves? A No sir, he had more than three grown slaves, me, mother, Uncle Dave, and my sister, and my sister's daughter was grown, and my sister's other daughter was grown and her son about 16 years old.
- Q Then he had 6 slaves when the war broke out? A He had more than that.
- Q I mean those grown? A My son was about 19 years old.
- Q Do you know Isaac Johnson? A Yes sir.
- Q Did you know him before the war? A No sir, not until the time they were registering.
- Q Never saw him before the war? A No sir, I got acquainted with him, they called me in for a witness and I didn't know him before the war.

BY MR. HASTINGS:

- Q About how long before the war did Judge Jim Brown's first wife from whom he separated in Tennessee die? A Jennie Brown.
- Q Yes? A I couldn't tell you that, I wasn't grown when she died.
- Q You weren't married, you didn't have any children? A No sir, just a girl 10 or 11 years old.
- Q You were 24 when the war came up? A No sir, I wasn't 24 when we went off about 22 when we come back I was 26.
- Q Then you were according to your statement about 10 or 11 years before the war? A Longer than that.
- Q About 15? A I expect it was and longer to, she didn't live so many years, I was no more than a waiting girl on the table.
- Q A good many of her slaves went back to Tennessee? A Yes sir, and they were all my relations.
- Q You knew them all? A Yes sir.
- Q She didn't have any by the name of Lucy? A None that ever I knew of.
- Q Could Judge Jim Brown had a negro woman by the name of Lucy who had two children and lived there at Judge Jim Brown's without your knowing it? A Not before the war, no sir. The only woman that ever I remember married a colored man that belonged to Coody.
- Q You had a child named Lucinda and she died? A Yes sir, died when she was 10 years old.

BY MR. NEAL:

- Q Do you know of any of the old slaves Judge Brown had living now?
A I got a sister down here, sister Mary.
Q Where does she live? A Vian.
Q What is her name? A Mary Griggs, she is blind.
Q Do you know any of the others? A No sir, none of them living,
yes sir one of them that belonged to the old lady.
Q Then you are the only one of Judge Brown's slaves that belonged
to him that is living now? A Yes sir.
Q Then you are the only one of the old slaves that are still living?
A Yes sir, and one of my sister's daughters she is living.
Q How old was she when the war broke out? A About 5 or 6 years old.
Q You were the only one old enough to remember things at the time
of the war, that is living now? A Yes sir.

W I T N E S S E X C U S E D.

JOSIAH SEABOLT, being first duly sworn, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A Josiah Seabolt.
Q What is your post office? A Long.
Q District? A Sequeyah.
Q Are you a Cherokee by blood? A Yes sir.
Q What is your mother's name? A Nancy.
Q What is her post office? A Long.
Q Does she live near Uniontown? A Yes sir.
Q Did you know Judge Jim Brown in his life time? A Yes sir.
Q How old were you when the war came up? A I must have been
about 9 years old.
Q Were you living with Judge Brown? A No sir, I was living with
my mother.
Q How far from Judge Brown's place did your mother live? A It
was about a mile.
Q She was a step-daughter of Judge Brown? A Yes sir.
Q Were you acquainted with Judge Brown's slaves? A Yes sir.
Q Did he have a colored woman by the name of Lucy? A If he did
I don't recollect any by that name.
Q Did you ever know a free colored man by the name of Jack Norman?
A No sir.
Q Did you ever know this colored applicant here, Horace Norman?
A No sir.
Q Was he a slave of Judge Brown before the war? A Not that I
know of.
Q Did Judge Brown have any slaves by the name of Horace? A No sir
not that I knew, wasn't any by that name.
Q Did you know them? A Yes sir, I knowed them.
Q And he didn't have any by that name? A No sir.
Q What kind of a house did Judge Brown live in? A In a frame house
big tall story frame building.
Q Is that house standing yet? A Yes sir.
Q Who lives there? A My mother lives there.
Q Has she lived there since the war? A Yes sir.
Q And she lived within a mile of it before the war? A Yes sir.
Q And Judge Brown was her step-father? A Yes sir.
Q Did you know this colored woman that left the stand? A Yes sir,
I have known her all my life.
Q Was she a slave of Judge Brown? A She was, she had been, she
was at the time I used to see her there, and then she moved over
south of Judge Brown's.
Q About how far? A Something about 1 1/2 miles.
Q With whom? A With Arch Fields.

- Q Did you know Rosanna's mother? A Yes sir.
Q Did you know her father? A Yes sir.
Q Who were they the slaves of? A Her mother was as near as I recollect the slave of Judge Brown.
Q Did Rosanna have any children when the war came up? A Yes sir.
Q What was some of their names? A A boy named Pompey, one named Jerry, a little girl named Myra.
Q Was there any Horace belonged to any of them, I mean the child of any of them? A No sir, not that I know of, never heard of any named Horace.
Q Did you know all the little boys in the Brown family? A Yes sir.
Q Played with them? A Yes sir.
Q If there had been one named Horace 4 or 5 years old when the war came up would you have known it? A Yes sir.
Q Was there one by the name of Hudson, a brother to Horace? A Never heard of any one by that name.

BY MR. NEAL:

- Q How old did you say you were now? A 51 years old 1st February.
Q How old were you when the war broke out? A I must have been about 9 years old.
Q You are 51 now, the war broke out in 1861, then you were about 6 or 7 when the war broke out? A I don't just exactly know how old I was when the war broke out, I was born in 1854.
Q You were born in 1854? Then you were 7 years old when the war broke out? A I expect something about that.
Q How far did you live from Judge Jim Brown's? A About a mile.
Q When you were a boy? A Yes sir.
Q The most of these slaves you got acquainted with them during the war and after the war? A During and after the war some of them.
Q You don't mean to say that you remember the names of all the slaves and the different slaves that were there before the war when you were only 7 years old? A No sir, not all the slaves. He had some before I was born.
Q You don't testify that you knew all the slaves he had? A I don't remember all of them.
Q Then you don't know whether he had a woman named Lucy or not, do you? A No sir, he might have had one before I can remember.
Q How old were you when you remember, 7 years old, do you remember the names of all his slaves at 7? A He might have had some.
Q He seemed to have had some at the outbreak of the war that you were too young to remember, were you, you just remember those old slaves that just helped take care of you and nursed you? A I can name them.
Q You are not willing to testify, of course couldn't testify, being only 7 years old what slaves he had, some of them you knew, some of them you don't. You don't know whether he had one named Jane or not, is not that true, do you mean to tell the Commission that you remember the names of slaves their names, when you were only 7 years old when the war broke out? A All of them.
Q All of them? A I don't know he might have had some before.
Q Some that you don't remember? A He might have had some and disposed of some of them, that wasn't there when the war came up.
Q Wasn't at the house, around the house? A No sir, might have been so somewhere else.
Q Then you don't know and cannot testify can you whether he owned a slave named Lucy or not, you don't know? A No sir, I don't.

BY MR. HASTINGS:

- Q Did he have one named Lucy there at his place when the war came up?
A I never heard of any by that name when the war came up.
Q Did you hear of one of that name? A No sir.
Q Did you ever know by that name? A No sir.

- Q Did you ever know any woman there that had a child named Hercules? A
A No sir.
Q Did you know all of his slaves when the war came up? A All that
he had there.
Q And if you were asked about any one of them you could tell whether
he owned that one or not, couldn't you? A Yes sir.
Q While the war was officially declared in 1861, yet it didn't really
run the people out of the country down there until 1862 or 1863
did it? A I don't know just what time it was when it runed the
people out.
Q And your mother was a step-daughter of Judge Brown? A Yes sir.
Q And you were backward and forward nearly every day? A Yes sir.
Q When did you first see this applicant Hercules Herman? A To day is
the first time I ever saw him.
Q Was he at Judge Brown's place there before the war as Judge
Brown's slave? A I never did see him, if he was.

BY MR. NEAL:

- Q Suppose this, suppose he was two or three years old before the
war, had been hired out when you were 3 or 4 years old?

We object to this question because it is not the contention of
the party, and the witness for the applicant, named Harkwell
H. Houston swore that he saw this boy there with Lucy Brown in
1860, and therefore it is supposing it upon a supposition that
is not borne out by the testimony.

On behalf of the Commissioner: Objection noted.

- Q Answer the question? A What was the question.
Q I asked you if this boy's mother had been there when you were two
or three years old and had afterwards been hired out, would you
remember? A No sir, I don't reckon I would have remembered any-
thing like that. If I was 3 or 4 years old I would have not have
known who was hired out and who wasn't.
Q You were but 7 when the war broke out were you? A About that,
I never just studied out how old I was, I know when I was born.

W I T N E S S E X Q U I S E D.

NANCY SEABOLT, being first duly sworn, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A Nancy Seabolt.
Q How old are you? A 78 years old.
Q What is your post office? A Uniontown, Arkansas, I stayed close
to Shakespears, we don't get our mail there any more.
Q Are you a Cherokee by blood? A Yes sir.
Q Did you know Judge Brown before the war? A Yes sir.
Q I believe you testified in this case at length before, have you
not? A Yes sir.
Q You testified then that you were a step-daughter of Judge Jim
Brown? A Yes sir.

Mr. Neal: I want to object to this witness testifying at
this time because of the fact that she has heretofore been
examined, and this hearing is for the purpose of taking addi-
tional testimony, and not for the purpose of taking original
testimony.

On behalf of the Commissioner: Objection noted.

- Q You have testified before in this case? A Yes sir.
Q And what you testified to were the facts in the case? A Yes sir.

On behalf of the Commissioner: A copy of the testimony taken in this case will be filed with and made a part of the record in case of Irene Cannon et al., Cherokee Freedman D-180.

The Attorneys for the applicants and the Cherokee Nation announce that they have no further testimony to introduce in this case, this case will be closed and a decision prepared upon the evidence heretofore introduced.

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George H. Lessley, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Lessley

Subscribed and sworn to before me this 28th day of August, 1906.

W. H. H. H.
Notary Public.

Chas. R.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Horace S. Norman, et al., as Cherokee Freedmen, consolidating the applications of--

Horace S. Norman, et al., Cherokee Freedmen D-159,
Irene Cannon, et al., Cherokee Freedmen D-160.

DECISION.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Horace S. Norman for himself and his three minor children, Harry, Cairo and Charles Norman, and by Irene Cannon for herself and her minor nephew, Henry Norman.

The evidence herein shows that Horace S. Norman was born prior to the commencement of the rebellion but was not the slave of a Cherokee citizen nor a free colored person residing in the Cherokee Nation at the commencement of the rebellion; that the minor applicants, Harry, Cairo and Charles Norman, were born since 1866 and claim their right to enrollment through their father, the said Horace S. Norman; that the said Irene Cannon was born since 1866 and is a daughter of and claims her right to enrollment through her mother, Lucy Brown, who was not the slave of a Cherokee citizen nor a free colored person residing in the Cherokee Nation at the commencement of the rebellion; that the minor applicant, Henry Norman, is a son of and claims his right to enrollment through his father, Hudson Norman (now deceased). It further appears that the said Hudson Norman was born prior to the commencement of the rebellion but was not the slave of a Cherokee citizen nor a free colored person residing in the Cherokee Nation at the commencement of the rebellion.

It further appears that the names of none of the applicants herein appear on the 1860 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Horace S. Norman, Harry Norman, Cairo Norman, Charles Norman, Irene Cannon and Henry Norman as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1896, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

James D. [unclear]

SIGNED.

Chairman.

SIGNED.

F. D. Needles.

Commissioner.

SIGNED.

C. H. Brockbridge.

Commissioner.

SIGNED.

W. E. [unclear]

Commissioner.

Muskogee, Indian Territory.

MAR 5 1904

NOTICE!

In the matter of the application of **Irene Cannon** for enrollment as a Cherokee Freedman
Case No. D. **160**
To **Irene Cannon**

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of **Fort Gibson**

Indian Territory, on the following dates, to-wit: **April 27, 29, and 30th**

A. D. 1901, during the usual business hours of said commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands on this **26th** day of **April** 1901.

H. R. Bell
W. W. Hastings
James S. Whitcomb

A.orneys for the Cherokee Nation.

United States of America)
Indian Territory,) s. s.
Southern District)

I do solemnly swear that I delivered a true copy of the within notice to *Irene Cannon*
on the *26th* day of *April* A. D. 1901

Subscribed and sworn to before me this _____ day of _____ 1901.

Marshal for Cherokee Nation
Notary Public.

PY.

Cherokee Freedmen
D-180.

Muskogee, Indian Territory, March 24, 1904.

Irene Cannon,

Fort Gibson, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the consolidated case of Horace S. Norman et al., together with a copy of the Commission's decision, dated March 5, 1904, rejecting, among others, your application for the enrollment of yourself and minor nephew, Henry Norman, as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

I. B. Woodlin

Register

Commissioner in Charge.

Enc. D-79

Cherokee Freedmen
D-159 et al.

Muskogee, Indian Territory, March 24, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Horace S. Norman et al., rejecting the applications for the enrollment of Horace S., Harry, Gaise and Charles Norman, Irene Cannon and Henry Norman as Cherokee freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Enc. D-20

Commissioner in Charge.

Cherokee Freedmen
D-189 et al.

Muskogee, Indian Territory, March 24, 1904.

The Honorable

The Secretary of the Interior.

Enclosed herewith is a copy of the
proceedings had in the consolidated case of Horace S. Norman et al.
including the Commission's decision, dated March 5, 1904, rejecting
the applications for the enrollment of Horace S., Harry, Caird,
Charles Norman, Isaac Cannon and Henry Norman as Cherokee Freedmen.

Respectfully,

Through the
The Commissioner of Indian Affairs. Commissioner in Charge.

Enc. D-81.

COPY

Refer in reply to the following:

Land 20535-1904

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, May 27, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose, herewith, a report from the Commission to the Five Civilized Tribes dated March 24, 1904, transmitting the record of the application of Horace S. Norman for the enrollment of himself and his three minor children Harry, Carlo and Charles Norman and by Irene Cannon for herself and her minor nephew, Henry Norman, as Cherokee freedmen.

On March 5, 1904, the commission found that the applicants were not entitled to enrollment as Cherokee freedmen.

The decision of the commission does not appear to be warranted by the evidence. The evidence shows that the applicant Horace S. Norman was the slave of a Cherokee citizen at the commencement of the war of the Rebellion and that the other claimants are the descendants of a slave of a Cherokee citizen. That all of the claimants or their slave ancestors were living in the Cherokee Nation on February 11, 1867, and have never established a residence outside of that Nation but have continued to reside therein all their lives.

The witness, Baker, swears that the claimants' ancestor,

Lucy Brown, was a slave and the witness, Vann, swears that she was the slave of Judge Brown, a Cherokee citizen.

Per contra: the witness Saabolt swears that she knew all of the older slaves of Judge James Brown and that he did not have a slave named Lucy Brown at the beginning of the war and witness did not know a slave woman named Lucy Norman but that Mrs. Brown might have had a slave named Lucy Brown. The testimony of the witness Saabolt is the only testimony offered to show that the claimants are not the descendants of the slave of a Cherokee citizen as testified to by the claimant Horace E. Norman and the witnesses Baker and Vann. In fact there is no testimony tending to show that these claimants are not descendants of the slave of a Cherokee citizen but, it is shown by at least two witnesses that they are.

In view of the record and the testimony it is recommended that the action of the Commission be not approved and that the names of all of the claimants be enrolled as Cherokee freedmen.

Very respectfully,

A.C. Tonner,

Acting Commissioner.

MEMO

0

W.C.P.

J.P.

D. C. 19431-1904.

FHE

I.T.D. 4382-1904.

L R S.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, June 8, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

March 24, 1904, you transmitted the record in the matter of the application of Horace S. Norman (F.D. 159-160), for the enrollment of himself and his three minor children, Harry, Cairo and Charles Norman, and of Irene Cannon for the enrollment of herself and her minor nephew, Henry Norman, as Cherokee freedmen, including your decision of March 5, 1904, rejecting the applicants.

Reporting May 27, 1904, the Acting Commissioner of Indian Affairs, recommends that your decision be reversed, and that the names of all the applicants be enrolled as Cherokee freedmen. A copy of his letter is inclosed.

You will notify the applicants and the attorney for the Cherokee Nation of the recommendation of the Acting Commissioner, and allow said attorney thirty days within which to file any argument he may desire, and the applicants ten days within which to answer same.

Respectfully,

(Signed) E. A. Hitchcock,

Secretary.

1 inclosure.

Cherokee Freedmen
B 160

Muskogee, Indian Territory, June 23, 1904.

Irene Cannon,

Fort Gibson, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself, et al., as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of June 8, inclosing a copy of Commissioner of Indian Affairs' letter of May 27, which letter recommends that the Commission's decision rejecting your application be reversed and that yourself and family be enrolled as Cherokee Freedmen.

In accordance with the Department's instructions the attorney for the Cherokee Nation has this day been advised that he will be allowed thirty days from date hereof within which to file with the Commission for transmission to the Secretary of the Interior any arguments he may desire to submit in this case, a copy of which argument he will be required to furnish you. You are advised that you will be allowed ten days additional within which to file with the Commission for transmission to the Secretary a reply to said argument.

For your information there is herewith inclosed a copy of the Department's letter above mentioned.

Respectfully,

Encl. 5-0.

Commissioner in Charge.

Cherokee Freedmen
D 189, et al.

Muskogee, Indian Territory, June 23, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Horace S. Norman, et al., for enrollment as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of June 8, inclosing a copy of Commissioner of Indian Affairs' letter of May 27, which letter recommends that the Commission's decision rejecting said applications be reversed and that the applicants be enrolled as Cherokee freedmen.

In accordance with the Department's instructions you are hereby advised that you will be allowed thirty days from date hereof within which to file with the Commission for transmission to the Secretary of the Interior any argument you may desire to submit in this case, a copy of which argument you will be required to furnish the principal applicants.

For your information there is herewith inclosed a copy of the Department's letter above mentioned.

Respectfully,

Encl. V-65

Special Agent in Charge.

COPY.

Cherokee Freedmen
D-159, D-160.

Muskogee, Indian Territory, October 1, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

Referring to Departmental letter of June 8, 1904, (I. T. N. 4362-1904), there is herewith transmitted argument of the attorney for the Cherokee Nation, in the consolidated case of Herman E. Norman, et al., (Cherokee Freedmen D-159 et al.). No reply in behalf of the applicants has been filed with the Commission.

Respectfully,

SIGNED, *Jams Bixby*,
Chairman.

Encl. D-19

Through the
Commissioner of Indian Affairs.

(COPY)

DEPARTMENT OF THE INTERIOR
D.C. 41876-1904
I.T.D. 4382-1904. WASHINGTON.

U.S.
FILE
I.R.S.

October 27, 1904.

Commission to the Five Civilized Tribes,
Muskogee Indian Territory.

Gentlemen:

May 27, 1904, the Indian Office recommended that your decision in the Cherokee freedman case of Horace S. Norman and his minor children, Harry, Cairo and Charles Norman; Irene Cannon and her nephew Henry Norman, be not approved. June 8, 1904, you were directed to notify the attorney for the Nation and the claimants that they could submit arguments in the matter, and on October 1, 1904, you transmitted the argument of the attorney for the Nation.

You found that the applicants were not the slaves, or the descendants of slaves of Cherokee citizens, or free colored persons, residing in the Cherokee Nation at the commencement of the rebellion.

The Acting Commissioner of Indian Affairs found the applicants entitled to enrollment. He refers particularly to the testimony of Rachael Baker and George W. Vann.

Rachael Baker is shown to have known little or nothing relative to whether the principal applicant was a slave of a Cherokee citizen. In her own case the Indian Office recommended, September 17, 1904, that your decision rejecting her application be affirmed.

George W. Vann asserts that the principal applicant belonged to Judge Brown, a Cherokee citizen, but he states little else of importance than that naked assertion.

October 10, 1904, the Indian Office recommended the ~~applicant~~ ~~to be enrolled~~ ~~as a citizen~~ ~~in his name~~, of course having found his testimony unreliable.

The testimony for the Nation-- that of the step-daughter of Judge Brown, who was well acquainted with Brown's slaves-- shows that he did not own a slave by the name of Lucy, alleged to be the mother of the principal applicant Horace S. Norman, and of the father of Henry Norman.

The Department finds the evidence insufficient to warrant the enrollment of these applicants, and accordingly hereby affirms your decision.

Respectfully,

(Signed)

E. A. Hitchcock
Secretary.

COPY.

Cherokee Freedmen

D-160

Muskogee, Indian Territory, November 8, 1904.

Irene Cannon,

Port Gibson, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting, among others, the application for the enrollment of yourself and your ward, Henry Norman, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 27, 1904.

Respectfully,

SIGNED. *Tams Bixby.*
Chairman.

COPY.

Cherokee Freedmen

D-159 D-160

Muskogee, Indian Territory, November 8, 1904.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting the applications for the enrollment of Horace S., Harry, Cairo, Charles and Henry Norman and Irene Cannon as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 27, 1904.

Respectfully,

(SIGNED). *Tams Bixby.*
Chairman.

(COPY)

DEPARTMENT OF THE INTERIOR,

V. P.
YNE

D. C. 49524-1904.
I. T. D. 4582-1904.
12096- "

WASHINGTON. DECEMBER 29, 1904.

LRS

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

December 14, 1904, the Acting Commissioner of Indian Affairs transmitted a motion for rehearing in the Cherokee freedman case of Herace S. Norman, et al. This motion is made by the attorney for the applicants, and is not supported by the affidavits of the principal applicants and others. It does not allege specifically any errors in the decision of the Department of October 27, 1904, and the Department finds nothing in the motion warranting a rehearing.

Furthermore, it does not appear that said attorney, G. P. Fogel, has been admitted to practice before the Department.

The motion is denied and you will so advise the parties in interest, and also that the argument by the attorneys for the Cherokee Nation was submitted, showing service by letter of August 24, 1904, registered at Vinita, and sent to the principal applicant at Bengu, I. T.

Respectfully,

(Signed) Theo Ryan

Acting Secretary.

1 inclosure.

(COPY)

DEPARTMENT OF THE INTERIOR,

Refer in reply
to the following:

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, DECEMBER 14, 1904.

Land.

7411-1904.
88778-1904.

The Honorable,

Secretary of the Interior.

Sir:

Referring to Department letter of October 27, 1904,
(I. T. D. 4382, 10152-1904), there is enclosed a communication
from George P. Fogle, Attorney at Law, of Vinita, Indian Territory,
dated December 5, 1904, transmitting motion for reconsideration of
Departmental decision referred to rejecting the applications of
Herace S. Herman et al., for enrollment as Cherokee Freedmen. The
motion shows service of a copy thereof on the attorneys for the
Division and the record is enclosed.

Very respectfully,

A. C. Tanner,

Acting Commissioner.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

FHE.

I.T.D. 4382-1904.
6620-1908.

August 2, 1906.

J. P.
L. E. S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Department has considered a motion for rehearing in the Cherokee freedman case of Horace S. Norman, et al., consolidated with the case of Irene Gannon, et al., the applications for the enrollment of such applicants having been rejected by the Department October 27, 1904, the decision of the Commission to the Five Civilized Tribes in the case having been affirmed. With the motion are affidavits by parties who state positively that the person through whom the applicants claim was a slave of a Cherokee citizen, which the testimony in the case failed to show.

A rehearing is deemed advisable. The decision of the Department of October 27, 1904, is hereby reconsidered, and all the papers in the case are inclosed in order that the rehearing may be had.

Respectfully,

(Signed)

Thos. Ryan.

Acting Secretary.

2 inclosures.

Cherokee Freedmen

D-159-160.

COPY.

Muskogee, Indian Territory, August 11, 1905.

Irene Cannon,

Fort Gibson, Indian Territory,

Dear Madam:

In the matter of the application for the enrollment of Horace S. Norman, et al., F. D. 159, consolidated with the application for the enrollment of yourself, et al., F. D. 160, you are advised that this office is in receipt of Departmental letter of August 2 (I.T.D. 5620-1905), in which the decision of the Department of October 27, 1904, affirming the decision of the Commission to the Five Civilized Tribes of March 5, 1904, rejecting the applicants embraced in said case, is rescinded and a rehearing ordered.

You are, therefore, hereby directed to appear before this office at nine o'clock A. M. on Thursday, August 24, 1905, and introduce further testimony in this case. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it desires in this case.

Respectfully,

SIGNED.

Wm O Bell

Acting Commissioner.

LS

Register

Cherokee Freedmen

D-159-160.

Muskogee, Indian Territory, August 11, 1905.

Irene Cannon,

Fort Gibson, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of Horace B. Norman, et al., F. D. 159, consolidated with the application for the enrollment of yourself, et al., F. D. 160, you are advised that this office is in receipt of Departmental letter of August 2 (I.T.D. 5620-1905), in which the decision of the Department of October 27, 1904, affirming the decision of the Commission to the Five Civilized Tribes of March 5, 1904, rejecting the applicants embraced in said case, is rescinded and a rehearing ordered.

You are, therefore, hereby directed to appear before this office at nine o'clock A. M. on Thursday, August 24, 1905, and introduce further testimony in this case. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it desires in this case.

Respectfully,

SIGNED:

Wm. O. Beall

Acting Commissioner.

LS
Register

Cherokee Freedmen

D-159-160.

COPY.

Muskogee, Indian Territory, August 11, 1905.

Beal & London,

Attorneys for Horace S. Norman, et al.,

Port Smith, Arkansas.

Gentlemen:

In the matter of the application for the enrollment of Horace S. Norman, et al., F. D. 159, consolidated with the application for the enrollment of Irene Cannon, et al., F. D. 160, you are advised that this office is in receipt of Departmental letter of August 2 (I.T.D. 5620-1905), in which the decision of the Department of October 27, 1904, affirming the decision of the Commission to the Five Civilized Tribes of March 5, 1904, rejecting the applicants embraced in said case, is rescinded and a rehearing ordered.

You are, therefore, hereby notified that the applicants have this day been notified to appear before this office at nine o'clock A. M. on Thursday, August 24, 1905, and introduce further testimony in this case. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

For your information there is inclosed herewith copy
of Departmental letter referred to.

Respectfully,

(SIGNED):

Wm O Beall

Acting Commissioner.

LS

Incl. 8-13.

Cherokee Freedmen

COPY.

D-159-160.

Muskogee, Indian Territory, August 11, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

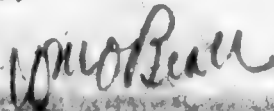
In the matter of the application for the enrollment of Horace S. Norman, et al., F. D. 159, consolidated with the application for the enrollment of Irene Cannon, et al., F. D. 160, you are advised that this office is in receipt of Departmental letter of August 2 (I.T.D. 5820-1905), in which the decision of the Department of October 27, 1904, affirming the decision of the Commission to the Five Civilized Tribes of March 5, 1904, rejecting the applicants embraced in said case, is re-considered and a rehearing ordered.

You are, therefore, hereby notified that the applicants have this day been notified to appear before this office at nine o'clock A. M. on Thursday, August 24, 1905, and introduce further testimony in this case. You are advised the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it desires in this case.

For your information there is inclosed herewith copy
of Departmental letter referred to.

Respectfully,

(SIGNED)



Acting Commissioner.

13

Incl. 8-12

Cherokee Freedmen

COPY.

D-160.

Muskogee, Indian Territory, October 31, 1905.

Irene Cannon,

Port Gibson, Indian Territory.

Dear Madam:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated October 31, 1905, rejecting, among others, your application for the enrollment of yourself and ward, Henry Norman, as Cherokee freedmen. There has heretofore been furnished your attorneys, Neal & London, Port Smith, Arkansas, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is advised of the same.

Respectfully,

SIGNED.

Tams Bixby
Commissioner.

Incl. 3-2
Register

Muskogee, Indian Territory, December 14, 1905

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a motion filed by Merritt Eslick, attorney for applicants, Horace S. Norman and Irene B. Cannon, et al., praying "that their cases be reopened and a rehearing thereof granted them to the end that they may be allowed to establish their right to enrollment as freedmen citizens of the Cherokee Nation." In support of , and attached to said motion are the affidavits of Polly Ross, Rab Brewer, Alex Nivens, Raster Grizmett and George W. Vann.

The applicants Horace S. Norman and Irene B. Cannon, et al., are listed for enrollment on Cherokee Freedman Doubtful cards Nos. 159 and 160, which were consolidated and said applicants denied the right to enrollment as Cherokee Freedmen, in a decision rendered by this office on October 31, 1905, said decision, together with the proceedings in said consolidated cases being forwarded to the Department on that date.

In re said motion this office has the honor to report as follows:

An examination of the record in the consolidated case of Horace . Norman, et al., supra., shows that the proceedings had in the two cases (No. . D. 159 and 160), were the same, as follows: Applications for their enrollment as Cherokee Freedmen were made to the Commission to the Five Civilized Tribes on April 24, 1901, at Fort Gibson, Indian Territory. Further proceedings in said cases were had on April 29 and September 26, 1901, at Fort Gibson, and on August 24, 1905, at Muskogee, Indian Territory. In support of their applications they introduced as witnesses, Rachel Baker, George F. Vann, Kliss Robinson, John McDonald, Green Bean, Hartwell H. Houston and Isaac Johnson, and since making their applications for enrollment they have been represented by Attorneys, John F. Faulds of Muskogee, George P. Fogle, of Vinita, and A. B. McRae of Muskogee, Indian Territory, and by Neal & Landon of Fort Smith, Arkansas, and now by Merritt Kallick of Muskogee, Indian Territory. On March 6, 1904, the Commission to the Five Civilized Tribes rendered its decision denying these applicants the right to enrollment as Cherokee Freedmen, said decision being affirmed by the Department on October 27, 1904 (I.T.D. 4382-04). Thereafter, on August 2, 1905,

this consolidated case was remanded by the Department for rehearing (I.T. No. 3620-05), and on October 31, 1905, after further proceedings had on August 24, 1905, this office rendered its decision herein as above indicated.

In view of the foregoing it is respectfully submitted that these applicants have had ample opportunity to establish their right, if any they have, to enrollment as Cherokee Freedmen.

The Department's attention is further invited to the affidavits who make affidavit in support of the motion herewith transmitted.

Polly Ross (Nivens) of Fort Gibson, Indian Territory. The testimony of this party is absolutely worthless and this office has so expressed itself on several occasions. See letter of even date filed in protest of the Department's action in the Cherokee freedman consolidated case of Ed Riley et al., 7896 et al.

Rab Brewer, of Fort Gibson, Indian Territory. An examination of the record in his case, C. P. No. 14, shows that on April 2, 1901, he was about forty-five years old, hence, the matters of which he is willing to testify must have occurred when he was about five years of age.

Easter Grinnet (Williams), of Ruby, Indian Territory. This party was the boon companion of Polly Ross Nivens during the time the Cherokee enrollment party was in the field, and they generally appeared in team work, each corroborating the other. One had seen the applicant, or his ancestor, at Fort Gibson, in '66", the other would see him a few days later at Tahlequah. Each has been repeatedly contradicted and impeached and their credibility as witnesses is considered about the same.

George W. Vann, of Benge, Indian Territory. This party has heretofore appeared as a witness in this case and the Department comments on his testimony in its letter of October 27, 1904 (I.T.D. 4382-04). See also Departmental letter of January 19, 1905 (I.T.D. 240-05), where the Department recognized the utter worthlessness of his testimony.

Alex Nivens of Fort Gibson, Indian Territory.

It will be noted that the applicants in this case have had three hearings at Fort Gibson, Indian Territory, and that the residence of three of the said affiants, namely, Polly Ross, Rab Brewer and Alex Nivens,

is Fort Gibson, Indian Territory. An examination of the records in their cases shows that all made applications for enrollment in April, 1901, at Fort Gibson, hence, these applicants have had several opportunities to introduce them as witnesses at a time more convenient. Easter Grinnett lives at Ruby, Indian Territory, a point only a few miles from Chelsea, the present home of the applicants. Instead, however, of securing her as a witness at the rehearing had in this case on August 24, 1905, at Muskogee, Indian Territory, the applicant, Horace S. Norman, traveled about one hundred miles to secure the testimony of other witnesses who, the records in their cases show, have heretofore been denied by the Commission to the Five Civilized Tribes the right to enrollment as Cherokee freedmen.

The evidence introduced in this case by the Cherokee Nation is practically conclusive and shows beyond little doubt that Judge Brown owned no such slave or slaves, as the applicants herein have at four different hearings unsuccessfully attempted to prove he did. In justice to the Cherokee Nation the motion should be denied.

Notice was not received by this office that said applicants had removed from Fort Gibson to Chelsea. On August 11, 1905, all parties concerned were notified that case had been remanded by the Department and was set for further hearing on August 24, 1905, at which time they appeared and introduced additional testimony.

It is, therefore, respectfully recommended that applicants' motion to reopen their case, transmitted herewith, be denied.

Respectfully,

Through the

Commissioner of Indian Affairs.

Commissioner

Incl. B-10

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DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

February 28, 1906.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated October 31, 1905, transmitting the record of the consolidated application for enrollment as Cherokee Freedmen by Horace S. Norman for himself and his three minor children, Harry, Cairo, and Charles Norman; and by Irene Cannon for herself and her minor nephew, Henry Norman.

October 31, 1905, the Commissioner decided adversely to all the applicants.

The record shows that on March 5, 1904, the Commission to the Five Civilized Tribes rendered a decision denying the applicant's enrollment and that on October 27, 1904 (ITD 4382-04) the Department affirmed the decision. That thereafter, on August 2, 1905 (ITD 5620-05), the Department rescinded its action and remanded the case for rehearing.

The evidence shows that the applicant, Horace S. Norman, was born prior to the beginning of the war of the rebellion; that the affiant, Irene Cannon, was born since 1866 and that they are ^{the} children of Lucy Brown; that after ample opportunity afforded it is not established that Lucy Brown or Horace S. Norman

were the slaves of a Cherokee citizen nor free colored persons residing in the Cherokee country at the beginning of the war of the rebellion; that the minor applicants, Harry, Cairo, and Charles Norman, are children of Horace S. Norman and the minor, Henry Norman, is a nephew of Horace S. Norman. None of the applicants nor any ancestor is identified on any roll of the Cherokee Nation.

There is also enclosed a letter from the Commissioner to the Five Civilized Tribes dated December 14, 1906, transmitting a motion for reopening and rehearing the case, which has been carefully considered.

In view of the record the approval of the Commissioner's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

MM

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D.C.13497.

GR

DEPARTMENT OF THE INTERIOR,

LLB

WASHINGTON.

I.T.D.3800-1906.

April 11, 1906.

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

December 14, 1905, you transmitted the record of the application of Horace S. Norman for the enrollment of himself and his three minor children, Harry, Cairo, and Charles Norman, and the application of Irene Cannon for the enrollment of herself and minor nephew, Henry Norman, as Cherokee freedmen, including your decision dated October 31, 1905, denying said application.

February 28, 1906, there was filed with the Department a motion for a reopening in said case.

The Department has carefully considered said motion for a reopening in connection with the record in the case, and sees no reason to disturb your decision of October 31, 1905, adverse to all the applicants. Said motion for a reopening is hereby denied and your decision of October 31, 1905, denying the application of Horace S. Norman for the enrollment of himself and his three minor children, Harry, Cairo, and Charles Norman, and the application of Irene Cannon for the enrollment of herself and

minor nephew, Henry Norman, as Cherokee freedmen, is hereby affirmed.

Respectfully,

E. A. Hitchcock,

Secretary.

Cherokee Freedmen

COPY

D-160.

Muskogee, Indian Territory, April 20, 1906.

Irene Cannon,

Chelsea, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 31, 1905, rejecting, among others, the application for the enrollment of yourself and your ward, Henry Norman, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 11, 1906.

Respectfully,

(SIGNED)

Wm O J Seal
Acting Commissioner.

MMP

Cherokee Freedmen

COPY.

D-159-160.

Muskogee, Indian Territory, April 20, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 31, 1905, denying the application for the enrollment of Horace S. Norman and his three minor children, Harry, Cairo and Charles Norman, and the application of Irene Cannon for the enrollment of herself and minor nephew, Henry Norman, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 11, 1906.

A copy of Departmental decision referred to is herewith inclosed.

Respectfully,

(SIGNED).

Wm. C. Deane
Acting Commissioner.

Incl.
MMP-1319.

Cherokee Freedmen

COPY

D-159-160.

Muskogee, Indian Territory, April 20, 1906.

Merritt Eslick,

Attorney for Horace S. Norman, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 31, 1905, rejecting the applications for the enrollment of Horace S. Norman and his minor children, Harry, Cairo and Charles Norman, Irene Cannon and Henry Norman as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 11, 1906.

For your information, there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED:

W. O. Seale
Acting Commissioner.

Encl.
MMP-1119.

Cherokee Freedmen

COPY:

D-159-160.

Muskogee, Indian Territory, April 20, 1906.

Neal & London,

Attorneys for Horace S. Norman, et al.,

Fort Smith, Arkansas.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 31, 1905, rejecting the applications for the enrollment of Horace S., Harry, Cairo and Charles Norman, Irene Cannon and Henry Norman as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 11, 1906.

For your information there is inclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED:

Wm. O. Sullivan
Acting Commissioner.

Encl.
MVP-120

REFER IN REPLY TO THE FOLLOWING:

~~Cherokee Freedman~~
768

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, ~~February 18,~~ 1907

Amanda Hill (Colored)

Vinita, Indian Territory.

Dear Madam:

There has been this day sent you by the ~~Commissioner,~~
the following telegram:

"Your Cherokee freedman case remanded February ~~18th.~~
Appear before Commissioner with witnesses Tuesday,
nineteenth, to establish marriage of your parents."

Your attorneys, Starr & Patten, Vinita, Indian
Territory, have been this day notified that you will be
permitted to appear before the Commissioner at Muskogee,
Indian Territory, on Tuesday, February 19, 1907, and ~~introduce~~
introduce testimony as to the marriage of your parents.

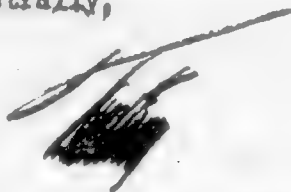
The Cherokee Nation will also be permitted to
appear on that date and introduce such testimony as it
may desire in said case.

The Act of Congress approved April 26, 1906,

Amanda Hill-2

provides that the Secretary of the Interior shall have
no jurisdiction to approve the enrollment of ~~any person~~
as a citizen of the Cherokee Nation after March 4, 1897.
This matter therefore demands your immediate attention.

Respectfully,



Commissioner

L M B

Register

7B.
F. J. McD.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 24 1901


ACTING CHAIRMAN

CHEROKEE FREEDMEN.

Date APR 24 1901
Post Office Ft. Gibson 29.
District Illinois

1. Name Age
Owner's name Citizenship
Year Page No. District

Parents:
Father *Dauntz* Citizenship
Mother Citizenship

2. Name of wife *Erene Cannon* Age *22*
Owners name Citizenship
Year Page No. District

Parents:
Father *Jack Watts* Citizenship
Mother *Cuey Brown* Citizenship

Names of Children:

- 3. *Norman* Year Page No. Dist. *10*
- 4. Year Page No. Dist.
- 5. Year Page No. Dist.
- 6. Year Page No. Dist.
- 7. *Dauntz* Year Page No. Dist.
- 8. *Dauntz* Year Page No. Dist.
- 9. *Dauntz* Year Page No. Dist.
- 10. *Dauntz* Year Page No. Dist.
- 11. *Dauntz* Year Page No. Dist.
- 12. *Dauntz* Year Page No. Dist.

Application made by *Erene Cannon* Stenographer *Chas von Meier*

Make + ref to D 159, (Horace S. Norman)

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Irene Cannon,

Ft. Gibson, I.T.

Cherokee F-D-160
Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cher. Fr. R 769

Cher. Fr. R 769

Trans. from F.D 957

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 29, 1901.

In the matter of the application of Mary Ann Riley for enrollment as a Cherokee Freedman.

Appearances:

Mellette & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

Mary Ann Riley, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A My name is Mary Ann Riley.
Q How old are you? A I am going on 81.
Q What is your postoffice? A Bartlesville.
Q What district do you live in? A Coowescoowee.
Q You want to be enrolled as a Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A My daughter.
Q How old is your daughter? A I don't know her age, she will give her age when she comes.
Q Anybody else? A No one else but me.
Mr. Smith: Where do you live? A I live on Horse Shoe Bend of Coon Creek.
Q That in the Cherokee Nation? A Yes, sir.
Q How long have you been living there? A I can't tell you how long I have been there, I can't and tell the truth.
Q You haven't got any children I guess that are living with you?
A I have one daughter.
Q She isn't living with you? A She is a married woman.
Q What is her name? A Her name is Mary Hazelrig.
Q Who is she married to? A George Hazelrig.
Q Where does she live? A Lives about five miles from me on the other side of Coon Creek.
Q Where is that, in the Cherokee Nation? A Yes, sir, in the Cherokee Nation, all of it.
Q Were you a slave? A Yes, sir, I was.
Q Then how old is your daughter? was she born before the war or after the war? A She was born before the war.
Q How old was she when the war commenced? A I can't tell you because I never knew I had to go through any such business as this, and I never tried to keep her age or nothing.
Q You can tell me about your daughter Mary, how big a child she was when the war commenced, can't you? A When the war commenced I reckon she was about 6 years old, maybe.
Q Who did you belong to? A I belonged to Stand Waite.
Q Was he a Cherokee Indian? A Yes, sir.
Q Living in the Cherokee Nation? A Yes, sir.
Q Where did Stand Waite live when the war came up? A He was living on Brush Creek, that is the place I think they called it, I think that is the place he gave in, Brush Creek.
Q In the Cherokee Nation? A Yes, sir.
Q Where was you at that time? A I was right at his house, right with him.
Q Where was Mary? A She was there too at the same place.
Q Was Mary with you? A Yes, sir, we both belonged to Mr. Waite.
Q How what because of you during the war, were you taken out of the Nation or did you go out, or what became of you while the war was going on? A I was taken out by the soldiers.
Q Well, where were you taken to? A They carried me to Fort Scott.
Q Took Mary too? A Took Mary too.
Q When did you come back to the Cherokee Nation? A We came back to the Cherokee Nation in '66.
Q Who did? A Who came?
Q Who did you come with? A He and Mary and my husband and my son.

Mary Ann Riley - 2.

Q What was your husband's name? A Thomas Waite.

Q What was your son's name? A Joseph Waite.

Q Whereabouts did you come to when you came back to the Nation after the war? A We came to Aunt Susie Solbert's.

Q What part of the Nation? A I can't tell you what part of the Nation to save my life because I never thought of any such a thing, but we came to Aunt Susie Solbert's.

Q Who was she? A She was a Cherokee Freed woman, is all I can tell you.

Q Was she a Cherokee slave, a freedman, or something of that sort?

A Yes, sir.

Q Well, where have you been living now since you came back here?

A Been living on the Horse Shoe Bend of Caney.

Q Have you lived in the Cherokee Nation ever since you came back? A I have never been out of the Cherokee Nation anywhere since I came to the Cherokee Nation, never been anywhere out of the Cherokee Nation.

Q Well, what became of your daughter Mary, where did she live after you brought her back here? A We all lived together around here until we got split up, scattered out from one another.

Q When did Mary marry? A Mary married, I can't tell you exactly when, because I don't know, I don't want to sit up here and tell a whole lot of something I don't know anything about, I can't tell you when Mary married.

Q What became of your son, what did you say his name was? A Joseph Waite.

Q Where is he? A He is dead and in the grave.

Q Where is your husband, is he dead too? A In the grave.

Q Is any of your family alive except you and Mary? A That is all I know of, there is some left but I don't know where they are.

Q How do you happen to be called Riley now? A I will tell you how I been called Riley, just like other people when they marry off they take the man's name, that is the way I got it.

Q Did you marry a man named Riley after Waite died? A I married him right there in Mr. Waite's kitchen.

Q Married who? A Thomas Waite, he belonged to Waite and I belonged to Waite and he took his father's name.

Q Well, what was that? A Riley.

Q So Thomas Riley was sometimes called Thomas Waite? A Yes, sir.

Mr. Hastings: Now Aunt Mary, where did your daughter Mary marry, at whose place? A I can't tell you at whose place she married, she married here in the Cherokee Nation and she went away from me to marry, she went a long way from me to marry, I don't know how far they went to get married, but she married in the Cherokee Nation.

Q In what town was she married? A I don't know whether in town or not.

Q Who was ~~living~~ ~~with~~ near you when your daughter married? A You want to know who is my nearest neighbor, is what you want to know?

Q Yes? A Well Bob Duncan.

Q Was he living near you at that time? when Mary married? A Yes sir, he was the nearest man.

Q Who else lived around you? A Sam Beck was the next closest man.

Q How far was that from Fort Scott? A Oh well, she married here in the Cherokee Nation.

Q Well, what part of the Cherokee Nation, that is what I am trying to find out? A I wish I was able to tell you, but I told you I can't know, I told you I don't know.

Q You don't know one year from another? A No, I don't, you make the truth then, God knows you speak the truth, because I never had the liberty in this

Mary Ann Riley - 3.

the livery in this world to know that.

Q You don't know this year? A No, sir.

Q You don't know when you came back? A I know I came back to the Cherokee Nation, I know that is all.

Q That is all you know? A That is all, I know I came to the Cherokee Nation.

Q You know you are in the Cherokee Nation now? A Oh bless God, yes.

Q What was Waite's wife? A Her name was Sallie.

Q You know that, don't you? A Yes, sir, I do sure know it.

Q Now I am trying to find out near what point or near what settlement or on what creek or what river or what part of the Cherokee Nation you first came to when you came back here? A I never seen any river when I came here, I never seen any river about Aunt Susie Colbert's, I came to her place first, but when I went down where I am living now, Caney River, is the first river I seen.

Q I want to know where Aunt Susie Colbert lives? A I can't tell you, all I can tell you, I can tell you she lives in the Cherokee Nation, because I told you when I was down here I told you I couldn't tell because I never thought anything about this stuff in the world and I never even thought of it, thought I would be coming to the Cherokee Nation to live, that is all I had to think about, thought I just had to come to the Cherokee Nation and live, I didn't know I would ever be brought up about these dates.

Q Where did you see L. D. Daniels first after the war? A I saw him in the Cherokee Nation when I first came back.

Q What place? A The first place I ever saw L. D. Daniels to be acquainted with him, I had seen him, but the first place I had seen him to be in anyways personally acquainted with him, was at Goose Neck Bend.

Q That was the first time, was it? A Yes, that was the first time, and that wasn't the first time I had seen him passing by, I didn't know the man.

Q That was after the war, wasn't it? A After the war.

Taking of testimony continued by Stenographer Chas. von Weiss.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 18th of July, 1901.

[Signature]

Commissioner.

Application of Mary A. Wiley et al.

Continued from Stenographer Bruce G. Jones.

Novata, I. T. June 20th 1901.

L. B. Daniels called and sworn as a witness for the applicant-

By Mr. Smith-

- Q What is your name? A. L. B. Daniels, age 28, post office Claremore
Q How long have you lived in the Cherokee Nation? A. All my life.
Q Do you know this applicant? A. Yes sir.
Q What did you first know her? A About '78, after I moved up here in this district.
Q Did you know her before the war? A. No sir.
Q Was that the first time you saw her in the Cherokee Nation after the war? A. Yes sir.
Q Where was she living then? A. Her husband bought a place 4 miles from me on Pecos creek.
Q Where is Pecos creek, in the Cherokee Nation? A. Yes sir.
Q How far is it from where you live now? A Five miles from my home place.
Q Where has the applicant been living since '78? A Near Bartlesville on Sney, north of there.
Q Is that in the Cherokee Nation? A. Yes sir.
Q Had she any child at? A. Yes sir, one girl as I know of.
Q What is her name? A. I can't call her name, I never was at her place but lived.
Q Do you know of your own knowledge what her mother daughter is named now? A. I think she is married to a man named Knappbridge.
Q Do you know where she is living now? A. In Big Sney, Coocoocooocooe district, Cherokee Nation.
Q How long has this daughter been living there? A. I don't believe I know exactly, something over twenty years.

By Hastings-

- Q Was this daughter married when you first went up there? A I don't know, she may have been, I am not certain.

By Commissioner of applicant:

- Q Did you ever draw strip money? A. I drew twice.

Applicant not found on the 1886 or 1896 rolls of the Cherokee Nation

and Slicker roll examined and the applicant found as follows:-
Roll 188 No. 4814, Mary Ann White, Coocoocooocooe district.

Applicant not found on the Wallace roll of the Cherokee Nation.

By Smith of applicant-

- Q Where is your daughter Mary? A Camped over there a little ways.

By Mr. Daniels-

Mary A. Wiley applies for bounty, she cannot be identified on any of the rolls except the Slicker roll. She says that she was a niece of one James White, and she

Port Scott and returned in 1895 and married one Mrs. ...
sometimes known as Missy ...
is made, consequently she will be listed for ...
Charles ... on a ... the ...
is ... she will be notified by mail.

Shas. Van ... being sworn stated that he stenographer to the Com-
mission to the Five Civilized Tribes he reported in full all the pro-
ceedings in the above cases and that the foregoing is a full, true and
correct transcript of his stenographic notes therein.

Chas. Van ...

Subscribed and sworn to before me this 13th day of July, 1901.

J. K. ...

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. July, 1st 1901.

Supplemental testimony in the case of Mary Ann Riley, C.F.D. #957.

Lewis T. Brown, agent for applicant present-

Jas. Davenport, Cherokee attorney-present.

Rab Rogers, called and sworn by Commissioner T. B. Needles, testified as follows for the applicant-

BY BROWN:

- Q What is your name? A Rab Rogers.
Q What is your age? A 66.
Q What is your post office address? A Lenapah.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Do you know Mary Ann Riley? A I am not acquainted with her.
Q Do you know Mary Ann Watie? A I never seed the woman much, I know the old man, and they say this is the old woman.
Q Are you acquainted with this woman's father? A I knowed old uncle Tom Watie, I knowed him.

By the Commission-

- Q You dont know Mary Ann at all then? A No sir.
Q She is an old woman? A I guess so.
Q You dont know who she was or who she belonged to? A No sir I dont know to saw.

By Brown-

- Q What relation is Tom Watie to Mary Ann Watie? A Which is Mary Ann?
Q Do you know Tom Watie, or did you during his life time? A Yes sir.
Q Who did he belong to? A Stand Watie.
Q Was he a Cherokee citizen by blood? A Yes sir.
Q Did Tom Watie leave the Cherokee Nation during the war of the rebellion? A I seed him in Gibson, I dont know if he left.
Q When was that? A In '66, with a woman named Liddie Ridge.
Q Did he live with her until his death, that is from '66? A I seed him the next summer on Spring creek.
Q Where did he die? A In the Cherokee Nation near Bartlesville.
Q Did he continue to live in the Cherokee Nation from '66 until his death? A I would just say he lived here all the time.

By the Commission-

- Q Do you know his children? A No sir.
Q Do you know this woman sitting here? A I just seed her the other day.

By Davenport-

- Q You saw he had another woman? A I seed him at Liddie's.
Q Do you know who she was? A Yes sir Liddie Tucker, and sometimes called Liddie Ridge.
Q Was she living with him? A No sir Sam Wofford was living with her.
Q Where were you then? A In Fort Gibson.

o-o-o-o-o-o-o-o

Chas. von Weise, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas von Weise

Subscribed and sworn to before me this the 15th of July, 1901.

(Signed) T. B. Needles,

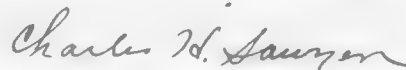
Commissioner.

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H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the above and foregoing copy and that the same is a true and correct copy of the original transcript.



Subscribed and sworn to before me this the 25th day of March, 1904.



Notary Public.

Commissioner of the Interior,
Department of the Interior, Office of Indian Affairs,
Washington, D. C., May 31, 1908.

In the matter of the application of FREDERICK ADAMS for enrollment
as a Cherokee Freedman:

Applicant appears by Mellette E. Smith, Cherokee Nation, by
W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified
copy of the decree of the Court of Claims in the case of
Louise Whitall's, Trustee for the Freedmen, vs The Cherokee Nation,
No. 17206 filed in the Mariah Hayden case F. D. 428, a part of the
record in this case and the cases hereinafter mentioned by refer-
ence to the said case of the said Mariah Hayden, and if it be deemed
necessary that a copy of the said decree be filed in this case and
in the following cases, to-wit:

Mary E. Watts or Riley, D 887;

By W. W. Hastings:

Objections were made by the Cherokee Nation and objects to the intro-
duction of the decree because, First: It does not tend to show
that the applicant was a slave of the Cherokee Nation at the
beginning of the war, nor that he returned within the time specified
in the treaty of 1865, or that he had been a continuous resident
of the Cherokee Nation since that time, or that he is a descendant
of such a person. Second: Because the same is incompetent, irrele-
vant and immaterial, and does not tend to prove an issue in this
case. Third: Because the Commission will take judicial knowledge
of all laws, treaties and decrees necessary for the determination
of the right of any person who makes application for citizenship.
Fourth: The Cherokee Nation objects to the filing of a certified
copy of this decree in the case of an applicant unless the same is
called and filed in each individual case.

Commissioner:

The motion of the attorney for the applicant will be
entertained and the decree of the Court of Claims filed in the case
of Mariah Hayden will be made a part of the record by reference in
all the cases above named with the exception of those which come
within the provisions of the temporary injunction recently granted
by Judge Gill of the United States Court, of the Northern District
Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named
cases including the Mariah Hayden case that counsel for the appli-
cant be allowed within thirty days to file any of the proof of any
or all of the records other than the decree already referred to

in the case of Moses Whitacre, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings had in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) P. S. Renter,
Notary Public.

I, E. G. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. G. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. S. Renter
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Washoe, D. C., May 31, 1902.

In the matter of the application of FERRY ADAMS for enrollment
as a Cherokee Freedman:

Applicant appears by Mellette & Smith, Cherokee Nation, by
W. W. Hastings:

By Mr. Smith:

The applicant moved the Commission to make the certified
copy of the decree of the Court of Claims in the case of
Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation,
No. 17209 filed in the Mariah Hayden case P. D. 498, a part of the
record in this case and the cases hereinafter mentioned by refer-
ence to the said case of the said Mariah Hayden, and if it be deemed
necessary that a copy of the said decree be filed in this case and
in the following cases, to-wit:

Mary Ann Riley, D. 887.

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the injunc-
tion of the decree because: First: It does not tend to show
that the applicant was a slave of the Cherokee Nation at the
beginning of the war, nor that he returned within the time specified
in the treaty of 1866, or that he had been a contiguous resident
of the Cherokee Nation since that time, or that he is a dependent
of such a person. Second: Because the same is incompetent, irrele-
vant and immaterial, and does not tend to prove an issue in this
case. Third: Because the Commission will take judicial knowledge
of all laws, treaties and decrees necessary for the determination
of the right of any person who makes application for citizenship.
Fourth: The Cherokee Nation objects to the filing of a certified
copy of this decree in the case of an applicant unless the same is
called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be
entertained and the decree of the Court of Claims filed in the case
of Mariah Hayden will be made a part of the record by reference in
all the cases above named with the exception of those which come
within the provisions of the temporary injunction recently granted
by Judge Hill of the United States Court, of the Northern District,
Indian Territory.

Mr. Smith:

The applicant further moved that as to the above named
cases including the Mariah Hayden case that counsel for the appli-
cant be allowed within thirty days to file any of the proof of any
or all of the record other than the decrees already referred to

In the case of Moser Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the council of the Cherokee Nation if it is desired to do so.

W. W. Hastings

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file, to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened, unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings had in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL)

(Signed) F. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

F. G. Reuter
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., April 8, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application of Mary A. Riley, C. F. D. 987; and in the matter of the application of Mary Masalrig, et al., C. F. D. 987, for enrollment as Cherokee freedmen.

It appears that on the 7th day of March, 1904, the principal applicants and the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskegee, Indian Territory, on April 6, 1904, and then and there to introduce further testimony touching the matters stated in said letter.

APPEARANCES:

Mary A. Riley appears by her attorneys W. C. Van Hoy and J. H. Sivens.

Mary Masalrig appears in person and by her attorneys, W. C. Van Hoy and J. H. Sivens.

Cherokee Nation by its attorney, W. W. Hastings.

MARY MASALRIG, being first duly sworn, testified as follows:

By the Commission:

Q What is your name? A Mary Masalrig.

Q How old are you? A I guess about 40.

Q What is your postoffice address? A Dewey, Indian Territory.

Q You are claiming right to enrollment as a Cherokee freedman?

A Yes, sir.

By Mr. Hastings:

Q How old did you say you are? A About 40; I don't know exactly.

Q Were you born before or since the war? A Before the war?

Q Do you remember when the war came up? A No, sir, don't know anything about it.

Q You don't know with whom you were living? A I was with my mother and father is all I know.

Q You don't know with whom of your own independent knowledge?

A No, sir.

Q You were taken out during the war? A Taken out? I don't remember.

Q You were taken to Kansas, weren't you? A No, sir.

Q Didn't you swear before the Commission that you went to Kansas?

A Not me.

Q What town up in Kansas did you live near? A I don't know of any. I remember of Fort Gibson.

Q That is all you remember? A Yes, sir.

Q When you were first old enough to remember where were you living? A Living in, near Fort Gibson, or somewhere, I—

Q What direction from Fort Gibson? A Couldn't tell you anything about that.

Q Was it towards sunrise or sunset or north or south? A I don't remember nothing about that.

- Q About how far from Fort Gibson? A About a mile, maybe two, I don't know exactly.
- Q Were you living in a house or tent? A In a wagon.
- Q Just lived in a wagon? A Yes, sir.
- Q How long did you live in a wagon? A Don't remember.
- Q Just camping there? A Yes, sir.
- Q Well, how long? A Don't know anything about it.
- Q Did anybody live near there? A Couldn't tell you.
- Q Where did you get anything to eat? A Just where we could.
- Q Don't you remember anybody that your parents got something to eat from? A Just where they could get it.
- Q How long did you stay around there? A I couldn't tell you anything about it.
- Q Did you stay there a week? A I don't know, I reckon we stayed there longer than that.
- Q Did you stay there ten days? A I reckon so, I couldn't know; I was not old enough to take notice of that.
- Q Did you see anybody that you know out there? A I couldn't tell you; sometimes we would see somebody and sometimes not.
- Q Do you remember now of ever seeing anybody from there? A Yes, I remember of seeing John Baldrige.
- Q Did he live out there with you? A No, sir, I don't think he did.
- Q Did he live right near to you there? A Passing back and forth, I reckon.
- Q Don't you know that you never saw him? A I have seen him, yes, I have.
- Q Tell me some other man on earth that you saw while there? A Seem like I remember a man by the name of L. D. Daniels.
- Q You think you remember him, do you? A Yes, sir.
- Q That was while you were near Fort Gibson? A Yes, sir.
- Q L. D. Daniels swears that he never saw you until '76, what do you think about that? A I don't know.
- Q Still you are willing to swear that you saw them there at the same time? A No, I think I saw him there.
- Q John Baldrige didn't have any house there, did he? A Not as I know of; didn't know anything about it.
- Q You were not acquainted with him were you? A I have seen him.
- Q Before that? A Yes, sir.
- Q Where did you see him? A He come around there.
- Q You were in the wagon there? A Yes, sir.
- Q And couldn't get anything to eat? A They got it wherever they could.
- Q Were you camped in the prairie or timber? A We camped in the timber.
- Q Were there any creeks around there? A I don't remember about creeks.
- Q Any springs? A I don't remember no wells.
- Q Or springs? A I don't remember.
- Q Where did you get water? A Out of the springs.
- Q Thought you said there wasn't any? A No, I didn't say it.
- Q Was there any corn in the fields? A I don't remember any.
- Q Don't ever remember seeing anybody ever there, except John Baldrige pass along? A Yes, sir.
- Q That is all is it? A Yes, sir.
- Q Do you remember whether that was in the morning or evening? A I don't know.
- Q What year is this? A I couldn't tell you; don't know anything about it.
- Q What month is it? A I believe they say it is April; I don't know; you ought to know; I am not educated.

- Q You don't know one year from another do you? A Only what the people tell me.
- Q Where did you go from that neighborhood about Fort Gibson? A We came on out on Verdigris, about there.
- Q Did you find anybody living there then? A We stayed a while at Aunt Susie Colbert's.
- Q Where was that on Verdigris? A I think it is on Snow Creek.
- Q Near what town? A Not any town that I know of.
- Q Wasn't there any place you went to trade? A Not as I know of.
- Q How long did you stay there? A We didn't stay there so very long, ~~XXXXXX~~
- Q Two or three days? A We may have stayed longer than that.
- Q Did you? A I don't know sir.
- Q Why don't you? A Because I never thought anything about the time.
- Q Did you stay a month? A I don't know.
- Q Did you stay there ten years? A Don't know anything about it.
- Q Don't you know the difference between a month and ten years? A I know what the people tell me is a month.
- Q Well, don't you know about staying there? A We may have stayed there a month.
- Q Where did you go from there? A Out on Caney.
- Q Where you are living now? A Where we live now.
- Q Who were neighbors to you then? A Nobody but some colored folks.
- Q Who were they? A Daniels.
- Q L. D. Daniels? A Not L. D. Daniels; I mean my sister.
- Q Any Cherokees living out there then? A I don't know of any.
- Q Any white people at all? A Not as I know of.
- Q Any town out there? A There wasn't when we come there.
- Q Where did you get what you eat? A We got what we eat from Coffeyville.
- Q Town of Coffeyville? A Yes, sir.
- Q Did Joe Parker live there? A I don't know.
- Q Any Delawarees living there then? A I don't know them.
- Q Don't know them y et? A No, sir, I know a very few of them, because I don't go around any place, stay at home and tend to my business.
- Q Who were neighbors to Susie Colbert on Snow Creek? A I couldn't tell you.
- Q Did they have a house when you went there? A I think they did.
- Q Don't you know? A They were in a log house.
- Q Did they have a field? A A little garden spot.
- Q A little garden spot? A Yes, sir.
- Q You don't know any of her neighbors? A No, sir.
- Q You have never had Susie Colbert to testify for you? A Not
- Q Yes. A Not as I know of.
- Q Why have you never had John Baldrige testify for you here re today? A I don't know, sir.
- Q When did you first remember that you seen him at Fort Gibson? A I couldn't tell you when I first remember.
- Q You don't know what direction you came from Fort Gibson? A No.
- Q You don't know how long you stayed there? A I think two or three weeks.
- Q And then you went from there to Susie Colbert's, on Snow Creek? A Yes, sir.
- Q And they had a little house and patch in and others had houses along? A I never noticed any.
- Q Then you went from there over where you are living on Caney, is that it? A Yes, sir.
- Q You stayed at Susie Colbert's how long? A About a month.

JOB DAVIS, being first duly sworn, testified as follows:

By the Commission:

- Q What is your name? A Joe Davis.
- Q How old are you? A 49.
- Q What is your postoffice address? A Vinita, Indian Territory.
- Q Are you claiming to be a Cherokee freedman? A Yes, sir, I am a Cherokee freedman.
- Q Do you know Mary A. Riley? A Yes, sir.
- Q Do you know Mary Hesselrig, her daughter? A Yes, sir.
- Q How long have you known them? A Well, sir, I couldn't tell--a long time, though.
- Q How old is Mary Riley? A I don't know her age.
- Q Is she a very old woman; can't you give an idea? A No, sir, I couldn't; she is awful old.
- Q How old is Mary Hesselrig? A I would judge her to be somewhere about 40 or 45.
- Q Was she born before the war? A She must have been.
- Q Did you know either of these women before the war? A No, sir.
- Q When did you first get acquainted with them, how long after the war? A Well, I don't know; it must have been four or five years after the war.
- Q You don't know anything, then, of your own knowledge as to whether they were slaves of Cherokee citizens before the war? A No, sir, I don't.
- Q Where were they living when you first became acquainted with them? A When I first became acquainted with them they were living, I believe, on the other side of the Verdigris.
- Q On what place? A Somewhere near where the old Lane place is now.
- Q Near what town? A Five or six miles from Coffeyville.
- Q Could you tell about what year that was? A No, I don't know exactly.
- Q Do you know about how many years ago that has been? A It has been some 25 or 30 years ago, probably longer than that.
- Q Where have they continued to live since you have known them? A I don't know; they have been living out on Cansy for a number of years; they moved from there out on Cansy.
- Q They have lived in the Cherokee Nation since you have known them? A Yes, sir.
- Q Did you know the husband of Mary Riley? A Yes, sir.
- Q What was his name? A Some called him Tom Riley; some Tom Hidge. He was my grandfather.
- Q Was he a slave of a Cherokee citizen? A Yes, sir, so they say.
- Q When was he married to Mary Riley, before the war? A I couldn't tell you; I think it must have been.
- Q Did he go out of the Cherokee Nation during the war? A I couldn't tell you that from my own knowledge.
- Q When did you first see him in the Cherokee Nation after the war? A When I first seen him, it was in '66, so they say.
- Q Where at? A Fort Gibson.
- Q What time of the year was that? A It was sometime along in the summer; it has been so long I can't recollect.
- Q Was he living there at that time? A Yes, sir, he was staying there.
- Q Did he have anyone with him, his family or children? A I didn't see his family.
- Q Do you know whether he was married at that time to Mary Riley? A I don't know from my own knowledge. I didn't see her; I heard him say he had a family.

Q How long did he live there at that time you speak of having seen him in Fort Gibson in '66? A I couldn't tell; I moved away from there in '66 sometime.

Q How long did he live after that? A I think it has been about 10, 11 or 12 years.

Q Did he continue to live in the Cherokee Nation from the time you saw him in Fort Gibson until the time of his death? A I think he did.

By Mr. Van Hoy:

Q Where did he die, Joe? A On Caney.

Q How old were you? A About 9 or 10 years old.

Q Did you live there at Fort Gibson for sometime after? A Yes, sir, during the war quite a while after the war.

Q Could you give me an idea about how long Tom Riley was there after the war? A No, I was went away sometime in the fall, up on Snow creek.

Q When did you see him next? A I seen him along sometime, I don't remember, been three or four months afterwards, he used to come up there on Snow creek to see me.

By Mr. Hastings:

Q What was Tom Riley doing in Fort Gibson when you saw him there? A I couldn't tell; he had just come back home.

Q Did you see him more than once? Yes, sir.

Q In Fort Gibson? A Yes, sir, I did.

Q Was he living in a house? A No must have been.

Q Were you ever in his house? A No, sir.

Q Do you know what part of town he was living in? A No, sir, I don't; it has been so long; I would either see him in town or he would come to where I lived.

Q You don't remember anything about that? A No, sir, I don't.

Q You know as a matter of fact that his wife wasn't there, don't you? A Well, I don't know, I didn't see her.

Q You know from what he said that she wasn't there? A I don't know, I didn't see her.

Q You know that she was in Kansas at that time, don't you? A She may have been.

Q You know that he told you that at the time, don't you? A I think he did if I aint mistaken.

Q He told you she was there didn't he? A I think he went back after his family.

Q You never saw her for four or five years, did you? A No, I never.

Q You never saw him living in a house over there, did you? A No, sir, I don't know where he lived at or who with. It was directly after the war. I heard my gux grandpa was in town, and he come to see me.

Q You think that was in '66? A I know it was.

Q In the spring? A In the summer.

Q How many times did he come to see you? A I don't recollect.

Q You don't remember of his stepping and doing any work? A Not as I recollect.

Q Did he say what town in Kansas his family was at? A I don't remember.

Q You don't remember of his living in any house at Fort Gibson, or what he was engaged in or anything like that? A No, sir, I don't remember.

Q What were you doing there? A Wasn't doing anything; wasn't big enough to do any work. I might have carried in chips or a basket of water or something; didn't have any occupation.

Q How old were you then? A I suppose I was about 10 years old.

JOHN BALDRIDGE, being first duly sworn, testified as follows:

- By the Commission:
- Q What is your name? A John Baldridge.
- Q How are you? A 74.
- Q What is your postoffice address? A Coffeyville.
- Q You claim to be a Cherokee freedman? A Yes, sir.
- Q Do you know Mary A. Riley? A Yes, sir.
- Q Do you know her daughter, Mary Hazelrig? A Yes, sir.
- Q Do you know whether or not they are Cherokee freedmen? A I know their mother is.
- Q You know Mary Riley is? A Yes, sir, she was Stand Watie's slave.
- Q She was the slave of Stand Watie? A Yes, sir.
- Q Was she taken out of the Cherokee Nation during the war? A Yes, sir.
- Q Where was she taken to? A South.
- Q Do you know where South? A She was right along with her master, Stand Watie.
- Q Do you know where he went? A South, he was in the federal army.
- Q Did she follow him into the army? A Last account she was.
- Q Was this child, Mary Hazelrig, born before the war? A No, sir.
- Q Do you know when Mary Riley returned to the Cherokee Nation after the war? A She came back along in the spring of '65, with old man drew.
- Q Was he a Cherokee? A Yes, sir.
- Q Where did she come to? A Fort Gibson.
- Q Was Mary Riley married at that time? A She said she was married ~~me~~, but I couldn't swear to that.
- Q Was her husband with her at that time? A No, they wasn't right together; she was with a man is what she claimed.
- Q Did she have any children with her at that time? A No, sir.
- Q What was her husband's name? A They called him Tom Ridge or Riley is what she claimed.
- Q When did you first know this child, Mary Hazelrig? A It was along somewhere about '73 or '74.
- Q How old was she then? A Nothing but a girl.
- Q Do you know when she was born? A No, sir.
- Q Do you know where she was born? A No, sir.
- Q Did Mary Riley continue to live in the Cherokee Nation after you saw her shortly after the war at Fort Gibson? A No, I couldn't say.
- Q When did you next see her after then? A I saw old lady along about the latter part of '66.
- Q Where was that? A She was in Fort Seott.
- Q Fort Seott, Kansas? A Yes, sir, but the old man he was here.
- Q She was married then? A Her and Tom Ridge was together I don't know whether they were married, ~~and then they~~
- Q Did she have any children at that time by Tom Ridge? A She had this girl that's what they claim.
- Q Was that girl with her in Fort Seott? A No, sir.
- Q Where was she? A The girl?
- Q Yes. A I couldn't tell you where she was at that time. I knowed where the old lady was. I was up there with some scouts and saw her on the streets and had a little talk with her.
- Q Was Mary Riley living in Fort Seott at that time? A Yes, sir she was staying there.
- Q Do you know how long she lived there? A No, sir.
- Q When did you next see her? A It was a good while.
- Q How many years? A I don't know exactly, I never paid any attention. Her Pa was with me, and I know---
- Q Mary Hazelrig's father? A Yes, sir.
- Q His name was Tom Ridge? A They called him Tom Ridge, or Riley.

- Q When did you next see Mary Riley in the Cherokee Nation after you saw her in Fort Scott in '66, as you say? A Couldn't say.
- Q Was Tom Ridge the slave of a Cherokee citizen before the war? A I suppose he was.
- Q Who did he belong to? A I couldn't tell you; they say to old man Ridge; I don't know.
- Q Did he go out of the Cherokee Nation during the war? A They took him south, too.
- Q When did Tom Ridge return to the Cherokee Nation after the war? A After we come to Fort Gibson, he was over here at Fremen Rock along about the year '64, I think, and he was around about here about that time and then disappeared.
- Q He was around Fremen Rock in '64? A Yes, sir, and then he disappeared.
- Q When did you next see him in the Cherokee Nation? A I saw him in the spring of '66.
- Q Where was he then? A He come right to my house. I lived there right close to where P. P. Moss used to live.
- Q Near what town? A Fort Gibson, and he come there and stayed right with me when I was sick and waited on me.
- Q How long? A He stayed with me a little over a month or two months.
- Q Was there anybody with him when he come there? A No, sir.
- Q Where did he go when he left you? A He said he was going up Grand River and from there I don't know where he went.
- Q When did you next see him? A I saw him in '74 and '73, along there when I moved up Verdigris.
- Q Was that the first time you had seen him since the spring of '66, when he waited on you? A Yes, sir, yes, the first time.
- Q You don't know where he had been between '66 and '74? A No, sir.
- Q Was he living in the Cherokee Nation when you saw him again? A In '74?
- Q Yes. A Not in particular as I knew of.
- Q Did he have any family, wife or children at that time? A He claimed he had them.
- Q Were they with him? A He said he was living with this girl's mother at that time, and his other wife was on Grand River. Her name was Winnie Battiffe.
- Q Well, when did you see Tom Ridge again after '73 or '74? A I just naturally can't recollect when, right close along about '73.
- Q I believe you state you don't know when Mary Riley came back to the Cherokee Nation from Fort Scott? A No, sir.
- Q And you don't know where Mary Hazelrig was at that time? A No, sir.

By Mr. Hastings:

- Q Where were you living before the war, John? A I lived up on the Illinois river, close to Oil Springs.
- Q Where was Tom Riley living before the war? A I couldn't tell you.
- Q You didn't know him before the war, did you? A No, sir.
- Q Then you never saw him until during the war, or after the war? A No, sir, not to know him.
- Q You never saw Mary Riley before the war, did you? A No, sir, she lived down here somewhere about Canadian.
- Q Down in Canadian District? A Yes, sir.
- Q Down about Webbers Falls? A Somewhere in that neighborhood.
- Q You never lived there? A No, sir.
- Q You never saw her there? A No, sir.
- Q You never saw Mary Hazelrig before the war? A No, sir.
- Q She wasn't born until after the war? A No, sir.
- Q About how many years after the war until she was born? A I couldn't tell.

- Q As many as five or six? A I wouldn't swear anything about it; I don't know.
- Q Don't you know she wasn't born until after the war? A She was not born until after the war.
- Q The first time you ever saw her was up in Fort Scott? A I saw her mother there.
- Q Didn't you see her there? A No, sir.
- Q Are you right certain Mary Riley lived near Webbers Falls, in Canadian district? A I couldn't swear it, but there's where Stand Watie lived, and she was his slave.
- Q You don't know she belonged to Stand Watie? A Just get their word for it.
- Q You never saw her at Stand Watie's house before the war? A No, sir.
- Q You say Tom Riley belonged to the Ridges before the war? A That is what they claim.
- Q You know which one of the Ridges? A I don't know.
- Q John Ridge? A I couldn't tell.
- Q You never saw him before the war? A No, sir.
- Q You are certain that Mary Ann Riley went south? A Yes, sir, they brought her back.
- Q How do you know? A They all come right there to Fort Gibson together. Clem Rogers was along.
- Q Clem Rogers came right along did he? A Yes, sir, and Sam Day.
- Q They all came together? A Yes, sir.
- Q Now, John, it might surprise you if she swore that she went North and didn't go south? A Well, I don't know; I don't know a thing about it.
- Q Then you are liable to be mistaken? A I seed her in Fort Scott.
- Q Then if she swears that she went to Kansas, instead of going south she is mistaken? A I couldn't say that.
- Q You never saw her South? A I couldn't say that.
- Q You saw her in '66, in Fort Scott? A The old lady, yes, sir.
- Q And this child wasn't yet born? A I don't know; this child was born since the war.
- Q What time was it in '66 when you saw her in Kansas? A Latter part of '66.
- Q Were you at her house? A No, I met her on the street, and saw her there.
- Q You saw her and spoke to her? A I talked to her.
- Q You don't know where she was living? A No.
- Q How many years after that did you see her again? A I don't know.
- Q 20 years? A Not that long.
- Q Where did you next see her? A Here.
- Q Where at? A In my part of the country; up on Verdigris.
- Q Well about how long after you saw her in Fort Scott? A I saw her in Fort Scott directly after the war closed.
- Q When did you ever see the old man living up there? A I never saw him living up there in Fort Scott.
- Q Up on the Verdigris? A He stopped with me in '74.
- Q Had he come from Fort Scott there? A No, he come from Kansas somewhere.
- Q Where did he say his wife was? A He said he lived with one wife and was going to see the other. He said he lived with Winnie Hattife, if I aint mistaken.
- Q Where was she living? A About Grand River somewhere.
- Q Where was Mary Ann Riley? A Said he left her in Kansas.
- Q That was in '74? A Yes, sir, when he told me that.
- Q You had never seen Mary Ann Riley from the time you had seen her in '66, at Fort Scott, until you saw her in '74? A No, sir.

- Q Where did you see the old man? A I told you he stepped with me at Fort Gibson.
- Q Where did you next see him? A I saw him on the Verdigris.
- Q When? A That was in '74.
- Q You never saw him from '66, when you saw him near Fort Gibson, until you saw him in '74? A Yes, sir, he stayed with me and I never saw him any more until '74.
- Q And you never saw his wife between those times? A No, sir.
- Q And you never saw this girl, Mary Hazelrig between those times? A No.
- Q Wasn't there anyone with you when you saw him at Fort Gibson? A I couldn't tell you.
- Q Was he horseback or on foot. A It was right in town.
- Q Didn't have any wagon? A No, sir.
- Q No horse? A No, sir.
- Q Anybody there at home with you? A Coo Vann was with me and some of the boys was waiting on me.

JAKE DAVIS, being first duly sworn, testified as follows:

By the Commission:

- Q What is your name? A Jake Davis is my name.
- Q How old are you? A About 60 or 64, somewhere along there.
- Q What is your postoffice address? A Tahlequah.
- Q You claim to be a Cherokee freedman? A Yes, sir.
- Q Do you know Mary A. Riley? A No, sir, I know Joe Riley, I knowed Joe Riley in Gibson.
- Q Who was he? A I don't know, sir, that's all the one I know.
- Q Was he the husband of Mary Riley? A I guess he was; I don't know Mary Riley.
- Q Do you know Mary Hazelrig? A No, sir I don't.
- Q Was it Joe Riley or Tom Riley? A Yes, Tom Riley.
- Q Was Tom Riley the slave of a Cherokee citizen? A I guess he was; he wasn't when I got acquainted with him.
- Q When was that? A In '66.
- Q Didn't you know him before that? A No, sir.
- Q He was in Fort Gibson then? A Yes, sir.
- Q You don't know then whether he was the slave of a Cherokee or not? A No, sir.
- Q Did he have any family there with him when you knew him in '66? A Not as I know of he didn't; it has been quite a while and I don't recollect.
- Q What time of the year was it you got acquainted with him? A In the spring.
- Q How long did you continue to know him? A About a year, I reckon.
- Q Then did he move away? A He moved away and went somewhere.
- Q Have you seen him since that time? A No, sir, never have seen him since.
- Q You never heard of this Mary Riley nor Mary Hazelrig? A No, sir.
- Q You don't know whether that Tom Riley was ever married or not? A No, sir, I don't.
- Q You don't know whether he was out of the Cherokee Nation during the war or not? A No, sir, I don't; when I got acquainted with him it was '66, in the spring.
- Q And you continued to know him there in Fort Gibson a year? A Yes, sir.

By Mr. Van Hoy:

- Q Uncle Jake, you just knew a man named Tom Riley in Fort Gibson, in '66? A Yes, sir.

By Mr. Hastings:

Q What year is this, Jake? A Now?

Q Yes. A I don't know, sir, what year it is.

Q What year was it Kerns-Clifton made a roll here and you drew big money on it? A I forget.

Q Jake, what year was it Wallace made a roll here? A I can't tell you.

Q What year were you married in? A I don't know.

Q Here's a man that you never know before the war; did you? You know that man you are telling about? A No, sir, I never knowed him.

Q And you have never seen him since? A No, sir.

Q And now, 40 years nearly after, they are trying to make you know him? A No, sir.

Q And you can't be certain about those dates, because you can't remember dates? A No, sir.

Q Its pretty hard to remember dates, isn't it? A Yes, sir.

Q This is a man you never saw before? A No, sir.

Q And you haven't seen him since? A No, sir.

Q And you never saw his wife? A No, sir.

Q Nor his daughter? A No, sir.

By Mr. Van Hoy:

Q Uncle, what makes you think it was '60? A Everybody say it was; that's what I go by.

Q How soon after the war was it? A Not so long after the closing of the war; not so everly long; don't know just how soon; wasn't long, though.

Q You can remember facts by the war can't you? A Yes, sir.

Q You can remember what occurred soon after the war in some cases?

A yes, I can remember. I aint got no learning and I can't tell anything.

By Mr. Hastings:

Q And you aint going to be positive, are you, Uncle Jake? A No, sir.

MARIAH FRENCH, being first duly sworn, testified as follows:

By the Commission:

Q What is your name? A Mariah French.

Q How old are you? A I am going on 49.

Q What is your postoffice address? A Lemmah.

Q Do you claim to be a Cherokee Freedman? A No, sir.

Q You are a state woman? A Yes, sir.

Q Do you know Mary A. Riley? A Yes, sir.

Q How long have you known her? A I have knowed her ever since the fall of '60.

Q Do you know her daughter, Mary Hazelrig? A Yes, sir.

Q How old is she? A I don't know.

Q Was she born before the war or after? A I couldn't tell you that; she was as large as I was and I don't know.

Q Do you know whether or not Mary Riley and her daughter, Mary Hazelrig, were slaves of Cherokee citizens before the war? A I don't know no Cherokee slaves.

Q Where was she then? A She was on Snow Creek.

Q That's in the Cherokee Nation? A Yes, sir.

Q What time of the year was that? A It was in the fall that I knowed her.

Q Was she living up there? A Yes, sir, she had come down to Uncle Gilbert's, some called him Uncle Mayhe.

Q Did she have any children at that time? A No, sir, I didn't see any, I didn't think she did.

Q How long did she continue to live there with Colbert? A She stayed there until late in the winter and they had a falling out and she left.

Q That was the winter of----? A '66.

Q Where did she go then? A The next time I saw her, they had taken a little tent up on Vinegar Creek.

Q How long did she continue to live there? A I don't know.

Q When did you next see her? A The next time I saw her was at Vinita at the time of this enrollment.

Q Before the Dawes Commission? A Yes, sir.

Q When did you see her daughter, Mary Hazelrig, and get acquainted with her? A I got acquainted with her there.

Q Did you know Mary Hazelrig's father? A Old Uncle Tom Watie was her father; that's what we called him.

Q Was he married to this Mary Riley? A When I seen them they were together.

Q Do you know whether they lived together for any length of time? A Yes, sir, they lived together there at Colbert's.

Q They were there together? A Yes, sir.

Q Was this girl there then, Mary Hazelrig? A Yes, sir, he had his children there with him. There was another girl or two then.

Q What sized girl was Mary Hazelrig at that time? A She was larger than I was. I was a good big chunk of a girl, in my 14th year.

Q Then after they left Uncle Colbert's and went up on Vinegar Creek you never saw them any more until when? A I never saw them any more until I saw them at Vinita.

Q You don't know where they had been living after they left Colbert's until you saw them in Vinita? A After they left Colbert's they lived on Vinegar creek.

Q How long? A I don't know.

Q Was this man Watie living with Mary Riley at that time? A Yes, sir, she passed for his wife.

Q Do you know anything about whether Watie was the slave of a Cherokee citizen before the war? A I don't know; I never come know here until '66. My stepmother come here as a Cherokee freedman and we were the first settlers on Snow Creek and stopped.

By Mr. Hastings:

Q You didn't come here to be a witness in this case, did you? A No, sir.

Q Do you recognize that you are under oath? A Yes, sir.

Q You knew of these facts before? A Why, I know old Uncle Tom---

Q You knew of these facts? A I knew when he come here, yes, sir.

Q When did you first tell these people about what you knew? A I never told them.

Q They just simply put you on the stand here? A No, sir, Mr. Amos Adair told them I was here, and they wanted me to witness for them.

Q Did Amos Adair come here when they did? A Yes, sir/ Amos come before they did.

Q You had never seen these people before? A No, sir, we had never seed them till they come there.

Q Now, if Uncle John Baldrige testifies that in '74, that this woman, Mary Riley, was in Kansas, and had come down there, and that Tom Riley was there, and said his family was in Kansas, he hasn't told the truth, has he? A No, sir.

- Q If L. D. Daniels swears that they didn't come down before that time he didn't tell the truth, did he? A No couldn't have.
- Q How far do you live from Colbert's? A I don't think it was ever half a mile.
- Q Did Tom Watie and this woman come there in a wagon? A Yes, sir.
- Q Where did they come from? A They claimed they come from Kansas.
- Q Straight from Kansas there? A That's what they said.
- Q Do you know from what town in Kansas? A No, sir.
- Q They stayed there the rest of that year? A No, sir, they fell out and left there.
- Q Where did they go? A Up on Vinegar Creek.
- Q Now if John Baldrige says that in '66, he saw Mary Wiley living in Fort Scott he is mistaken, is he? A Yes, sir, unless she went back up there after she left Uncle Colbert's.
- Q How much are you getting to testify in this case? A Not a nickle.
- Q Don't you know that you never saw this woman there in '66? A Yes I saw her.
- Q You don't claim to be a citizen here, yourself? A I am adopted woman; I was raised in the states.
- Q Where did you first see them living in a house up there? A In Uncle Colbert's house.
- Q Did they keep house there at Colbert's? A They lived in the house with Uncle Colbert's and had some things in the wagon.
- Q How long did they stay there? A Till late in the fall.
- Q And went from there to Vinegar Creek? A Yes, sir.
- Q You are certain of that are you? A Yes, sir.
- Q How far was that from Colbert's? A It was four or five miles.
- Q How long after they left Colbert's was it before you saw them on Vinegar Creek? A We went to Coffeyville and saw a little tent there on Vinegar, and didn't know who it was--
- Q Was it on the road? A No, sir, it was off to one side of the road.
- Q How long did they stay there where that tent was? A I couldn't tell you.
- Q About how long? A I couldn't tell you, because we didn't go to Coffeyville very often.
- Q Did they stay a month? A I couldn't tell you.
- Q Did they stay there two months? A No response.
- Q Can't you form any estimate at all? A No, sir, what I tell you I know. I didn't pay attention.
- Q You did pay attention, though, while they were at Uncle Colbert's? A I did, because they were at our house every day.
- Q Did Uncle Colbert have a house then? A Yes, sir, a log house.
- Q Who else lived there? A Neome else much; Amos Adair lived right below us in an Osage hide house.
- Q Well, after you lost them on Vinegar Creek how long was it before you saw them again? A At Vinita.
- Q How many years afterwards? A A great while.
- Q What year was it you saw them at Vinita? A When this Commission was enrolling.
- Q This present Commission? A Yes, sir.
- Q From the time you saw them on Vinegar Creek up until 1901, you never did see them? A No, sir.
- Q You don't know where they lived? A I don't know; they said they were living on Caney.
- Q You don't know how long they lived on Vinegar? A No, sir.
- Q Are any of Colbert's people living now? A Yes, sir.
- Q Who are they? A Old Aunt Susie is all.

JOHN BALDRIDGE, re-called for the purpose of additional cross-examination, testified as follows:

By Mr. Hastings:

- Q You were running around all over the country in '66, weren't you?
A Yes, sir, I was a soldier and scouted at that time and was a soldier nine months right here.
Q Were you on Grand River any in '66? A Yes, sir.
Q Were you in Fort Scott in '66? A Yes, sir.
Q On Snow Creek? A Yes, sir.
Q Were you up there about Colbert's in '66? A Old man Colbert's?
Q Yes, A No, I don't remember; at that time I was up there along latter part of the year of '66, but we were on the scout and never stopped.
Q Were you up in there during that fall of '66? A Went through time and again.
Q You never saw Tom Riley anywhere, except what you have already testified to? A That's all.
Q Were you on Vinegar Creek? A Been through, but never stopped.
Q You never saw him? A No, sir.
Q Never heard of him? A No, sir, I was in the government service--
Q Now, about what time of the fall of '66 did you see Mary Ann Riley in Fort Scott, Kansas? A It was along, I couldn't just say, about the middle of the fall, early in the fall. I couldn't just exactly be positive.
Q Did she say where her husband was? A No.
Q Did you ask her? A No.
Q Did she say what she was doing? A No.
Q She didn't say who she was working for? A No, they called him Tom Ridge, or Tom Watie and Riley.

MARIAN FRENCH, re-called for the purpose of additional cross-examination, testified as follows:

By Mr. Hastings:

- Q Your name is Marian French? A Yes, sir.
Q Now, you are certain that you knew these people at Colbert's?
A Yes, sir, I knew them at Uncle Colbert's.
Q You say they moved from there in the fall up on Vinegar Creek?
A Yes, sir, late in the fall.
Q On which side of the road when you went to Coffeyville did you see their tent. A On the right hand side.
Q You are positive? A Yes, sir.
Q How many times did you see this tent there, going backwards and forwards to Coffeyville? A I hardly ever went to Coffeyville.
Q But you knew that it was on these trips that you saw this tent?
A Yes, sir.
Q Did you go out to it? A Yes, sir, one time my father drove out to it.

By Mr. Van Hoy:

- Q You say you were the first settlers on Snow Creek? A Yes, sir.
Q Near what town is Snow Creek? A Near Coffeyville; Coffeyville was the nearest then.
Q Which is nearest now? A Coffeyville is nearest now.
Q Who was the next family to come in after you? A Ames Adair.
Q Who next? A The Colberts.
Q Do you remember the Albertys? A They come in afterwards.
Q Were there any Indians? A Yes, sir.
Q What tribe? A Osages.
Q What did you people do for a living? A We raised corn and stuff.
Q Do you think you know all the colored people that come in after the war? A We paid particular attention; there was none there.
Q The man was named... A Steve... I don't know.

Q Who was your father? A Steve Little.

Q Did Amos Adair bring his family? A Yes, sir.

Q How much family did he have? A Two children and two women.

Q Do you remember how many in the family of Uncle Colbert? A Himself, wife and one little boy they called Johnnie, they were raising.

Q Tell me how far Amos Adair's house was from yours? A Can't tell you exactly. We lived on the west prong of Snow Creek and he lived on the East side across the creek.

Q On which side of the Verdigris was Susan Colbert's house? A Just above on the west side of the lake.

Q Which side of the Verdigris River were you on? A On the west side.

Q It made a horseance bend? A Yes, sir.

Q Did you have to cross it? A Yes, sir, there was a big lake between us and Uncle Colbert and Colbert lived across that lake.

Q Is that lake on the East side of the Verdigris River? A On the east side if you are on this side, but we are on the West side.

By Mr. Hastings:

Q Who did you trade with at Coffeyville, can you recollect? A Yes, sir, I can recollect.

Q Who had a store there? A We used to trade with Wells and brothers.

Q And they had a store there at the same time you mention seeing this tent? A They had a store then in what's called Old Parker; Coffeyville wasn't a town then.

Q You are testifying about going to Coffeyville? A It was called Coffeyville; Old Colonel Coffey did more trading than anyone.

Q They had a store there at that time? A Yes, sir, old Parker aint a town now.

Q Was there a town called Coffeyville at the time? A Yes,, it was named Coffeyville, and that's what we called Coffeyville.

Q Do they call it Coffeyville? A They called it Coffeyville after old Col. Coffey.

Q Is it where Coffeyville is now? A Yes, sir.

Q That is where you saw these people when you were passing along?

A Yes, sir.

Commission:

Upon request of the attorneys for the applicants, and the Cherokee Nation, this case is continued, for the introduction of further testimony.

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this the 8th day of April, 1904.

Charles H. Sawyer

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., NOVEMBER 14, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of MARY A. RILEY ET AL., as Cherokee freedmen.

It appears that on October 14, 1904, the attorneys for the applicants and the attorneys for the Cherokee Nation were duly notified that on November 14, 1904, the applicants would be permitted to appear before the Commission and submit further testimony in the above entitled case.

APPEARANCES:

Applicants by their attorneys, Hutchings, Murphy & Veasey.
Cherokee Nation by its representative, W. W. Hastings.

JOSEPH SMITH, being first duly sworn, testified as follows:

BY MR. VEASEY:

- Q What is your name? A Joseph Smith.
Q How old are you? A 66.
Q What is your present post office address? A Coffeyville, Kansas.
Q How long have you been living in Coffeyville? A Every since 1872.
Q Where did you live previously to that? A Lawrence, Kansas.
Q For what length of time did you live there? A About 8 years.
Q Are you acquainted with Mary A. Riley who is one of the applicants for citizenship in this case? A I am.
Q Were you acquainted with her in Lawrence, Kansas, during the time you was there? A Yes sir.
Q Were you acquainted with Tom Riley or Ridge? A Yes sir.
Q Did he bear any relationship to that woman? A Her husband.
Q When did you first become acquainted with Tom Ridge or Riley?
A Along in '64.
Q He was then in Lawrence, Kansas? A Yes sir.
Q Did you know his wife also at that time? A Yes sir.
Q Could you state to the Commission how long he remained in Lawrence, Kansas, after '64 after your first acquaintance with him?
A He was there in '65, part of '65 and I saw him again along in '66.
Q Were your relations with him of an intimate kind? A In the church.
Q What is your profession? A A preacher.
Q Of what church? A Baptist church.
Q Was he, Tom Riley, a member of the church you was? A Yes sir.
Q During the time that you knew him in 1865 or 1866 did he ever state to you that he intended to return to the Indian Territory?
Mr. Hastings: Objected to by the counsel for the Cherokee Nation because the same is a declaration in interest and is hearsay and is therefore inadmissible.
Commission: Objection noted, witness will answer.
A Yes sir.
Q You may state to the Commission his exact language? A He claimed to be a citizen of the Cherokee Nation, his home was here and he left sometime in '65 and said he was coming to the Cherokee Nation. He came back sometime in '65 along in the fall sometime and he left again sometime in the fall of '66.

- Q How long did you remain in Lawrence after the fall of 1866? A I remained in Lawrence until 1872.
- Q During the time you was in Lawrence, from the fall of 1866 to your going to Coffeyville, did you see Tom Riley on any other occasion? A No sir.
- Q During that time did his wife and such children as they had at the time remain in Lawrence? A Yes sir.
- Q Did you during the time of his absence inquire as to his whereabouts from the members of his family? A Several times.
- Q What statements did they make to you in that regard?
Mr. Hastings: Objected to as a declaration in interest and hearsay, and therefore inadmissible.
Commission: Objection noted, witness will answer.
- A They said he was supposed to be in the Territory, yes sir.
- Q Did you see Tom Riley at any time after you moved to Coffeyville?
A Yes sir.
- Q Where? A Place called Gooseneck Bend at his sisters.
- Q Where is Gooseneck Bend? A About twelve miles south of Coffeyville.
- Q In the Indian Territory? A Yes sir.
- Q Could you tell the Commission what year that was? A I think I can, it was in '74.
- Q Did you see him any time subsequent to that? A Yes sir.
- Q Where and when? A In Gooseneck Bend at different times.
- Q Did you ever see him after this occasion you have mentioned?
A Yes sir.
- Q State when and where? A Bartlesville.
- Q When did you first see him at Bartlesville? A That must have been along in '78 or '79.
- Q Did he have his family with him then? A Yes sir.
- Q His wife was this Mary A. Riley the applicant in this case? A Yes sir.
- Q When you saw him then had they improved a place at that point?
A Yes sir, a little place there.
- Q Did you know where his family lives now? A Yes sir.
- Q Is that the same place he had improved in 1878 or 1879? A Yes sir.
- Q Do you know where he died? A Yes sir.
- Q When? A In 1898.
- Q You know as a matter of fact that his family is still living on the place they improved in 1879 near Bartlesville? A Yes sir.
- Q Where did he die? A At Bartlesville.
- Q On this place? A Yes sir.
- Q Were these people ever a member of the church that you had charge of? A Yes sir.
- Q Where was that? A Gooseneck Bend.
- Q Were there any rules which the church had in regard to the membership of the church? A Yes sir.
- Q As regard their being married? A Yes sir.
- Q What was that rule? A We didn't accept any except those supposed to be married according to law.
- Q When these people were in Lawrence, Kansas, did Tom Riley hold this woman out to be his wife? A Yes sir.
- Q He did that to you? A Yes sir.
- Q And they lived together as husband and wife? A Yes sir.
- Q Was that the same at Gooseneck Bend? A Yes sir.
- Q And likewise true when they were at Bartlesville? A Yes sir.

- Q Did you baptize these people? A I did.
Q At what place? A Gooseneck Bend.
Q Same church they were members of? A Yes sir.
Q When was that? A I think it was along about '77 or '78, Tom
X Bushyhead and them were running for Chief.
Q Just shortly before they moved to Bartlesville? A They were
living at Bartlesville when I baptized them.

BY MR. HASTINGS:

- Q What was Tom Riley's wife's name? A Mary.
Q Do you know Mary Hazelrig? A I do.
Q Is she their daughter? A I guess she is she used to be their
child.
Q You know her in Lawrence, Kansas? A I didn't, I knew they had
some children is all.
Q Did you know Tom Riley's wife in Lawrence? A I did.
Q You know her name? A Yes sir.
Q Do you know whether they called Mary Hazelrig "Sis" in Lawrence
or not? A I don't know.
Q Did you know a boy of theirs they called "Bony"? A I did.
Q He is the same one they called Allen? A I don't know about that.
Q Bony was just a nickname? A I don't know about that.
Q Did you know a boy they had by the name of Joe? A Yes sir.
Q Where were they living when you first knew them? A In Lawrence
on the north side of the river.
Q Of Kaw River? A On the west side of the river.
Q How far from Lawrence? A In Lawrence.
Q Right in the town? A Right in it, yes sir.
Q Did you know a white woman up there by the name of Mrs. Mary E/
Archer? A No sir.
Q Did you know a man there by the name of W. R. Smith? A No sir.
Q Did you know a colored woman up there by the name of Rachel Ware
in Lawrence? A No sir.
Q Did you know a colored man by the name of Peter Jenkins? A Yes
sir.
Q How far was Tom Riley living from Peter Jenkins when you knew
them? A I don't know where Jenkins lived.
Q On what street did Tom Riley live? A I don't know any of the
streets.
Q Were you ever at Tom Riley's house? A Yes sir.
Q What kind of a house? A Common little shack.
Q Don't know what street? A No sir.
Q In north or south Lawrence? A South Lawrence.
Q He had some children there at the time, did he? A Yes sir.
Q You never saw him himself down here in 1874? A 1874.
Q That is the first time you ever saw Tom Riley in the Territory?
A Yes sir.
Q His family was still living in Lawrence? A Certainly.
Q They had continued to live in Lawrence from 1864 or 1865? A Yes
sir.
Q And his family was living there when you left in 1872? A Yes sir.
Q Did you have occasion to visit his family after you missed Tom
up there up until the time you left there in 1872? A No sir, I
just met them.
Q Just like you did other people around there in town? A Yes sir.
Q And you saw them frequently until you left in 1872? A Yes sir.
Q And you never saw any of the members of his family down here until
1878 out about Bartlesville? A Yes sir.
Q But you saw Tom himself here in 1874? A Yes sir.

- Q But you didn't see the members of his family about that time?
A Only his boy Joe.
Q But the family came down in 1879? A About that time.
Q You inquired of him where his family was and he told you in Lawrence? A Yes sir.
Q You know where Hazelrig married this woman? A No sir, I don't.
Q Were you called up there in 1873 when they were married in Lawrence? A No sir.
Q Didn't Tom ever tell you at any of these times that his daughter Mary had married George Hazelrig in Lawrence? A No sir.
Q Did you know George Hazelrig up there? A I did.
Q He was a state man? A I don't know.
Q Was he a Cherokee darkey? A I don't know, he might have been.
Q You never heard him say anything about coming down here? A No sir.
Q Tom and his wife owned a home there? A I don't know about that.
Q Did they continue to occupy this same house all the time that you knew her there? A I don't know, so far as I know they did.
Q You don't know where this man Jenkins lived? A I think he lived in what they called north Lawrence.
Q That was near where Tom Riley lived? A He lived on the south side.
Q Did you know a colored man by the name of Jehn Williams? A No sir.
Q Did you know a colored man by the name of Andrew Garrett? A No sir.
Q A minister by the name of Charles W. Garrett? A No sir.
Q What was Tom doing up there for a living between 1864 and 1874?
A I couldn't tell you, travelling about the best he could.
Q You saw him there practically all of the time all up until 1872 at the time you left? A No sir.
Q You didn't see him in 1868, '69 and '70? A No sir.
Q You were never over at his house were you? A No sir.
Q How far did you live from them? A I suppose about a quarter.
Q What was Tom doing up there before he left? A He waan't much of a hand to work, his wife did most of the work.
Q He and his family spent a good part of the time in jail didn't they? A I never heard of them being in jail in my life.

BY MR. VEASEY:

- Q How old was Tom Riley at the time you first knew him? A I suppose 40 some odd.
Q You saw you met him at Gooseneck Bend sometime in 1874 or 1875?
A Yes sir.
Q What, if anything, did he say about his family? A
Mr. Hastings: Objected to because it would be a declaration in interest and hearsay and inadmissible.
Commission: Objection noted, witness will answer.
A He desired to get his family to him and I think he was trying to get some of his friends to help him get his family here.
Q Did he have any improvements at that time? A No sir not that I know of.
Q Did you ever have any conversation with the wife of Tom Riley relative to her coming to the Territory while he was in Lawrence?
Mr. Hastings: Objected to as hearsay and a declaration in interest and inadmissible.
Commission: Objection noted, witness will answer.
A Never heard her say anything about it.

BY MR. HASTINGS:

- Q You are not a citizen of the Cherokee Nation? A No sir.
Q You are a colored man living in Coffeyville? A Yes sir.
Q You never did live in the Cherokee Nation? A Yes sir.
Q When? A Long about '74.
Q Where were you living at that time? A At the mouth of Peggum Creek in the Cherokee Nation.
Q How long did you live there? A About a year and a half.
Q That is all you ever lived in the Cherokee Nation? A Yes sir.

BY THE COMMISSION:

- Q When did you first begin living in Lawrence? A I moved into Lawrence in the Christmas about the first of January of 1863, I first went to Lawrence in the fall of '62.
Q Did you get acquainted with Tom Riley and his wife when you first went there? A No not for a few months after I got there.
Q You don't know where Tom Riley went when he left Lawrence, Kansas, in 1865 or 1866? A No sir.
Q The first time you saw Tom Riley in the Cherokee Nation was about 1870 what? A About 1874.
Q Prior to that time you don't know where he went? A No sir.
Q Do you mean to tell the Commission that the family of Tom Riley, including his wife, Mary A. and the daughter, now Mary Hazelrig, the same children lived in Lawrence, Kansas, continuously from 1863 up until you left there in 1872? A Yes sir.
Q That is a fact? A Yes sir.
Q Those parties never came to the Cherokee Nation until after you left Lawrence? A Not to my knowing.
Q Would you have known it if they had come? A I think so.
Q You knew as a matter of common knowledge that they were residents of Lawrence while you were there? A Yes sir.
Q Had a home there, house and lived there? A Yes sir.
Q When was the last time you saw Tom Riley in Lawrence, Kansas?
A Along in 1866.
Q What time in the year? A It was along in August, 1866.
Q What aged woman was this Mary Hazelrig? A I suppose she was just a--I didn't know her at that time.
Q Can you name the family? A Only Joe and Bony and another boy.
Q Name those you do know beginning with Tom and his wife? A Tom and his wife Mary, Joe and Bony and another boy I can't remember his name.
Q Were those children small when you knew them? A Yes sir.
Q You say these boys live near Bartlesville now? A Yes sir.
Q In the Cherokee Nation? A Yes sir.

BY MR. VRASEY:

- Q You don't mean all of the parties you named live near Bartlesville?
A The old man and Joe and Bony are all dead.
Q You knew that Mary A. Riley lives at Bartlesville? A Yes sir.
Q Do you know whether any member of his family accompanied Tom to the Territory in the fall of 1862? A I think Joe and one more boy come with him, Joe come with him and never went back.
Q Joe was his son? A Yes sir.
Q He is the one that has died since? A Yes sir.
Q When did you come to Lawrence first? A Came into Lawrence in the fall of '62.
Q Did the Rileys come there after that? A Yes sir after I come.
Q What were the circumstances under which they came there? A The poor circumstances, they were very much in need.

- Q Were they brought there by soldiers or otherwise? A No sir, come there on their own accord.
- Q When you were living at the mouth of Pessum Creek did you know anything about improvements that Tom Riley was supposed to have in that neighborhood?
- Mr. Hastings: Objected to as being leading.
- Commission: Objection noted, witness will answer.
- A Yes sir.
- Q Do you know where it was? A Yes sir.
- Q State to the Commission where it was? A About a mile west of the mouth of Pessum Creek.
- Q You learned that in 1874?
- Mr. Hastings: Objected to as being leading.
- Commission: Objection noted, witness will answer.
- A Yes sir.

BY MR. HASTINGS:

- Q What became of that improvement? A Rotted down.
- Q Went back to the public domain? A No sir, somebody around there-----
- Q He never had anything but a cabin? A Had a cabin there.
- Q Never lived in it? A I don't know.
- Q Never improved it? A I don't know there was a little spot there, I don't know who did it.

JOHN J. ROBE, being first duly sworn, testified as follows:

BY MR. VEASEY:

- Q What is your name? A John J. Rose.
- Q What is your age? A About 58.
- Q Where do you live? A Tablequah.
- Q Were you acquainted with Tom Riley or Ridge during his life time?
- A Yes sir.
- Q Where were you living during the years of 1865 and 1866? A The latter part of '65 I went to Kansas, Leavenworth about three weeks and the rest of the time at Lawrence.
- Q Where did you meet Tom Riley? A In Lawrence.
- Q Had you ever known him previously? A No sir.
- Q When did you meet him? A Between the first and 10th of November '65.
- Q How long did you continue to live in Lawrence or in the neighborhood? A About three years.
- Q Did Tom Riley continue to live there during that length of time?
- A No sir he wasn't there all of the time, I seed Riley in November when I come out of the army, there was quite a number of Cherokee freedmen in the same regiment, all in the same company I was in, and we left Leavenworth intending to come back to the Cherokee Nation and I was sick at the time and the convenience of travelling was so bad I stopped at Lawrence and there was a general jubilee in the camp there at that time and that is where I saw old man Tom Ridge in the camp. I was there I guess about two weeks then I left that camp in north Lawrence.
- Q Did you meet his wife at the same time? A If I did I didn't know her.
- Q You say he lived in Lawrence during the entire time you were there? A Yes sir he was among the refugees.

- Q Was he in Lawrence during the three years you remained there after 1865? A No sir not to my knowledge, the next time I saw Tom was in February the following year may be in March.
- Q Of 1866? A Yes sir to the best of my recollection.
- Q When did you see him next after February or March of 1866? A Next time was down here in the nation.
- Q When was that? A That was I think in '73.
- Q Do you remember about the time he left Lawrence? A He left Lawrence with the boys, they stayed there about three weeks and he come with them. There was Israel Johnson and Jack Nelson and Ike Rogers, they were the boys in the army and besides there was several others, I couldn't call the names now.
- Q Do you know that he went back to the nation or is that heresay? A They all come on south and I thought that they come here. I found him here but I didn't come with him.
- Q Did you see him any time from the fall of 1866 forward while you was at Lawrence? A No sir.
- Q The next time that you saw him was in 1873 in the nation? A Yes sir.
- Q Where was that? A On California Creek, on yhr creek there, he stayed all night there.
- Q Did you become acquainted with his family at the time you was at Lawrence? A No sir.
- Q When did you first become acquainted with Mary A. Riley, one of the applicants in this case? A It was along perhaps in '74 or '75, I couldn't just say what year but it was something like that when I met this Mary Riley near Bartlesville where she now lives.
- Q You say that was in 1874 or 1875? A Somewhere along there, I couldn't say exactly.
- Q Had they made a place in that neighborhood? A At the time I was acquainted with them they were living on Bartles place where he had a saw mill near the mouth of Snow Creek.
- Q Do you have personal knowledge of their having made a place since that time? A Yes sir.
- Q Do you know where Mary A. Riley lives now? A Yes sir.
- Q Is that the place they first made? A Yes sir that is the only one that I knowed of their making down there.
- Q Do you know any circumstance which induced Tom Riley to leave Lawrence and come to the Territory at the time he did? A The only circumstance that I knowed, the soldiers coming back home he wanted to come back with them to the Cherokee Nation.
- Q At that time did the freedmen who were in Lawrence know of the adoption of the Treaty? A The Treaty wasn't adopted at that time in February, Tom Riley was talking about what they were going to do for they said they were coming back, they were going to take them back and give them rights same as Cherokees.
- Q That was the last time you saw him, in February or March of 1866? A Yes sir.
- Q Before Riley started for the Territory what, if anything, did you hear him say in regard to his residence where he was going to and what for?
- Mr. Hastings: Objected to as heresay, and a declaration in interest and therefore inadmissible.
- Commission: Objection noted, witness will answer.
- A I didn't see him, was just going back home that is all, he was talking to them boys, he knowed them and didn't know me.
- Q Did he tell you for what purpose he was going back home? A He just says I am going with you. I had give up going, they were talking there in the camp and he come with the rest of the boys, he left there with them coming south.
- Q Do you have personal knowledge of those soldiers who started actually reaching the Territory? A I seen them since.

- Q The same ones that were in the party that he started with? A Yes sir.
- Q Have you knowledge of their being enrolled as citizens since then, any of those that were in the party with him? A No the persons that come with him have been killed and died out before they got to this roll business, they have been enrolled on other rolls.
- Q How about their descendants? A I don't know whether their cases are settled or not.
- Q When you met Tom Riley in the Territory in 1873 did you have any conversation with him with reference to bringing his family back? A Yes sir he stayed all night and we talked about that trouble.
- Q State to the Commission what he told you? A At the time he was talking to me he said he was going to bring his family here, he didn't want to be going backwards and forwards to Kansas, it was too far, at that time there was several families coming in. From the best I could learn his wife was contrary toward coming back here. They made it so hard for her before they got out of here that she didn't want to come back.

BY MR. HASTINGS:

- Q You are a colored applicant for citizenship in the Cherokee Nation? A I am a colored man after a white man's rights.
- Q You are an applicant to be enrolled as an inter married citizen? A Yes sir.
- Q Your first wife was also on a doubtful card was she? A Yes sir.
- Q What was your first wife's name? A Bally Dannenberg.
- Q You met her in Lawrence? A Yes sir.
- Q You married her in Lawrence didn't you? A Yes sir.
- Q What year? A '67.
- Q You belong to a freedmen protective association don't you? A No sir.
- Q Didn't you ever belong to a freedmen association? A No sir.
- Q Never did at any kind? A That aint got anything to do with this case.
- Q Did you belong to them? A No sir.
- Q Have you ever belonged to them? A No sir.
- Q You never have in the last 4 or 5 years belonged to any freedmen organization? A No sir.
- Q Who is the President of that organization? A What organization.
- Q That Freedmen Organization? A I don't know anything about it, I have heard lots of time about it but I don't know anything about that.
- Q You never saw Tom Riley in the Cherokee Nation until 1873 or 1874?
- A Somewhere about that time, yes sir.
- Q That is the first time you have any personal knowledge of his being here? A Yes sir the first time.
- Q Were you ever at his home at Lawrence in 1865 or 1866? A No sir.
- Q Did you ever see his wife in Lawrence in 1865 or 1866? A If I did I didn't know it.
- Q Did you ever see George Hazelrig's wife, now Mary Hazelrig in Lawrence? A Not that I know of.
- Q You saw Tom Riley in 1865, in February, 1866, did you ever afterwards see him in Lawrence? A No sir not to my knowledge.
- Q And you never saw him again until you saw him in 1875? A Here at California Creek.

- Q When was the first time you ever saw his wife? A That is the time I mentioned, somewhere along in '74 or '75 I don't remember what time it was.
- Q Were you at their house at that time? A I was at the house they were living in.
- Q Where was that house from Bartlesville now? A Down on the river close to where that wire bridge is on the west side of the river.
- Q How far from Bartlesville? A About two miles.
- Q Did they have other children with them then? A They had one they called Joe that is dead now.
- Q Was Allen or Bony with them? A I don't remember.
- Q Was Mary Hazelrig with them? A I think not she may have been.
- Q That is the first time you ever saw Mary Hazelrig? A I don't remember.
- Q Was she married to George when you first saw her? A I think so.
- Q How many children did she have? A I don't know.
- Q You don't remember when you first saw her? A Somewhere along right after the time that I mentioned to you that I knew the old man on Caney River.
- Q You think that was when Bushthead was running for Chief? A It might have been, I couldn't say.
- Q What is it you fix this date by? A What date.
- Q At the time you say you fix that by Bushthead's chieftancy?
- A No sir.
- Q Why do you think it was 1874 or 1875? A Because I just left work on the Caney River and that was when I found these women folks.
- Q Did they move from Lawrence down there? A I don't know.
- Q Didn't you hear them say? A No sir.
- Q Did they and Tom come together or who come first? A I saw Tom before I saw the family.
- Q Did you see the Hazelrigs when they come there? A I seed them there.
- Q The first you noticed was George there with his wife, was he?
- A George was there and his wife was there, I don't know whether they come together.
- Q How many children did they have when you first saw them? A I don't know.
- Q Do you know they had any? A There was some children there.
- Q Do you know whether Tom Riley had another girl besides this Mary Hazelrig or not? A I think so.
- Q What was her name? A Julia I believe.
- Q Was she there with them? A Not right there at that house she was then living in a house that belongs to Whiteturkey now, she was working there.
- Q She wasn't married? A Julia wasn't then, since then she married Musgroves.

STEVEN LITTLE, being first duly sworn, testified as follows:

BY MR. VEASEY:

- Q What is your name? A Steven Little.
- Q How old are you? A I am 80 years old.
- Q Where do you live now? A About two and a half miles northeast of Lenap.
- Q Where was you in the year 1866? A On Snow Creek.
- Q Is Snow Creek in the Cherokee Nation? A Yes sir.
- Q How do you know that you was on Snow Creek in the Cherokee Nation in 1866? A The Seages told me that was the Cherokee Nation.

- Q How do you know it was the year 1866? A Cause I just got out of the army and I come down there to take care of some cattle for Irving and Jackman .
- Q Down in the Territory? A Yes sir to take care of 180 head of cattle for Irving and Jackman down on the Caney at Woodruff crossing.
- Q What time of the year was it that you came to the Territory?
A I think April 3rd.
- Q In 1866? A Yes sir.
- Q Did you know Tom Riley in his life time? A I did.
- Q Did you see Tom Riley in 1866? A I seed him there and hoped him build a house.
- Q Where did you see him? A At my house.
- Q On Snow Creek? A Yes sir at my house on Snow Creek.
- Q What time of the year? A It was near about this time may be a little before, but it was going into autumn of the year.
- Q Tell the Commission about helping him build a house? A He come there to my house and he had two badger hides and my boy wanted badger hides and he cut the logs and he told my boy if he would haul the logs together to that to build a house, he would let him have the badger hides, and he took the oxen and drag the logs and about 4 or 5 or 6 days is when we went there to put up a cabin.
- Q Who put it up? A I, myself, Amos Adair, and myself and him.
- Q Who is him? A Tom Ridge.
- Q Is Tom Ridge the same as Tom Riley? A Yes sir.
- Q The same man? A They come to me about Tom Riley and I didn't know anything about him.
- Q What sort of a house did you put up for him? A A round log house about 12 by 14.
- Q How many rooms? A One.
- Q What sort of a roof did it have? A Board roof, I made the boards
- Q Did you talk to Tom Riley as to why he was building the house there? A Yes sir.
- Q What did he say? A To take a claim there to bring his family.
- Q Did he tell you where his family was? A He said they were in Kansas, I heard him say that lots of time but I don't know what town it was.
- Q How long did you know Tom Riley after that? A After that I knowed him about ten years.
- Q Did he have a fixed place of living or did he move about? A He went from place to place hunting and trapping.
- Q You say he did a lot of hunting? A Yes sir.
- Q Where did you see him ten years later? A He come to my house going to his sister's.
- Q Who was his sister? A Aunt Grannie Nan.
- Q Where did she live? A Right across the road from me, the Jess Vann place.
- Q Was this in the Indian Territory? A Yes sir.
- Q You have never lived out of the Indian Territory since? A No sir not since I come in it.
- Q Did you see Tom Riley at any time during these ten years? A I don't think I did, I had forgot him when he come to my house and he asked me if I didn't recollect him and I did and he told me then where he had a place at.
- Q Where was he living? A On Caney he said.

BY MR. HASTINGS:

- Q How long did you see him about your place in the fall of 1866?
A He was there off and on, he would come and go to where he made a cabin.
- Q Did he stay there a week? A No sir not at my house.
- Q I mean in the neighborhood? A Yes sir, he stayed there a month.
- Q Then he left the cabin did he? A He left that cabin and I never seen him any more.
- Q For about ten years? A Yes sir and he come to my place again.
- Q That cabin rotted down there did it? A I couldn't tell you that.
- Q Did you live right near there? A I lived near there.
- Q About how far from where this cabin was built? A About two miles.
- Q You never knew of Tom Riley living in this cabin after he left there did you? A No sir.
- Q The cabin rotted down did it? A I think Lane--it was tore down and made a corn crib.
- Q You have a daughter by the name of Mariah French, haven't you?
A I have.
- Q And she is an applicant for citizenship? A I don't know.
- Q Is Agnes Little any kin to you? A She is a daughter-in-law of mine.
- Q She is an applicant for freedman citizenship? A I suppose she is an freedman.
- Q You are a colored man? A Yes sir.
- Q You never saw Tom Riley except that one time as you claim about a month in the fall of 1866 for about ten years? A Yes sir.
- Q You never did see his family in the Cherokee Nation or any members of it except he, himself? A No sir.
- Q He didn't have any of his boys with him at that time? A No sir.
- Q He told you his family was in Lawrence, Kansas, when you first saw him there? A I don't know that it was Lawrence, but it was in Kansas somewhere.

BY MR. VEASEY:

- Q Did you continued to live where you first made your place for ten years? A I didn't live there ten years, I lived there about eight years.
- Q Then where did you move? A I moved on the Neeshe and stayed there four years.
- Q Was that where you saw Tom Riley? A No sir that was at my old place on the Verdigris.

ALEX BOUDINOT, being first duly sworn, testified as follows:

BY THE COMMISSION:

- Q What is your name? A Alex Boudinot.
- Q How old are you? A I think I am on the roll about 56.
- Q What is your post office address? A Nowata.

BY MR. VEASEY:

- Q Where was you living in 1865 or 1866? A In '66 I was in Gibson.
- Q Was you acquainted with Tom Riley or Ridge during his lifetime?
A Yes sir, I knowed him good.
- Q Did you see him during the year 1866, if so where? A I seen him in Fort Gibson.

- Q What time, during the year 1866? A It was along close to Christmas when I seen him there.
- Q How long did he stay in Fort Gibson? A He was there a good while in Fort Gibson, he would go away and come back, he didn't stay there all the time, he was there off and on.
- Q Did you live with him, how did you know about his whereabouts?
A He lived with me at Spring Creek? A
- Q Did he live with you at Fort Gibson? A No sir.
- Q When did he live with you on Spring Creek? A I can't call the dates of the years, I think it was along in February in '70.
- Q How far is Spring Creek from Fort Gibson? A I think about thirty miles.
- Q Can you tell when you moved up on Spring Creek? A I left Gibson in '70 and went to Spring Creek.
- Q During the time from 1866 when you first saw Tom Ridge until 1870 when you went upon Spring Creek did you see him during these four years? A Yes sir, often and on all the time, he would come and stay awhile and then would go away.
- Q Do you know where he went? A No sir.
- Q Did he have any members of his family with him? A He had his son Joe with him.
- Q When you saw him in 1866 did you have any conversation with him regarding his making the Indian Territory his home?
Mr. Hastings: Objected to as hearsay and a declaration in interest and therefore inadmissible.
Commission: Objection noted, witness will answer.
- A Yes sir.
- Q What did he say about it? A Said he had come home to live.
- Q Do you know anything about his owning an improvement in the nation any place? A He had a place upon Possum Creek.
- Q Did you ever see the place? A Yes sir, he just had a little log cabin.
- Q How many rooms to it? A Just one.
- Q When did you first see that? A I seen that, I went to Gooasneck Bend in '73, I believe it was.
- Q Was Tom Ridge or Riley with you then? A No sir he wasn't, we built and when they need the family up there he come.
- Q You at one time lived at Gooasneck? A Yes sir.
- Q And you say he come there after you moved there? A Yes sir and stayed with us, he would come up and go off and I don't know where he went, he would be gone a week or a month.
- Q Who did he live with on Spring Creek in 1870? A With me and his sister Granny Nan.
- Q You say the first time you saw that cabin was in 1873? A Yes sir.
- Q About how old did it appear to be? A It was such an old cabin.
- Q The Fort Gibson you refer to in your testimony is the Fort Gibson, Indian Territory? A Yes sir.
- Q That is where you first saw him? A Yes sir.
- Q That was in December, 1866? A Yes sir, close to Christmas, I don't know dates.
- BY MR. HASTINGS:
- Q You say you don't know dates very well? A No sir.
- Q What year did they make the Kern-Clifton payment? A I can't tell you.
- Q What year did they make the Wallace roll? A I can't tell you that date either.
- Q What year did the Dawes Commission commence making the roll, what year did you appear before the Dawes Commission to be enrolled? A Last year when they were at Nowata.

- Q Last year? A If it was, I don't know the dates.
- Q I was asking you if you knew the date? A I don't know the date, I couldn't keep it.
- Q It is difficult for you to know one year from the other? A I know one year, but I don't know the dates.
- Q What kin, if any, are you to Tom Riley? A Not any.
- Q You say this cabin looked like a new cabin when you saw it in 1873? A I said it was old.
- Q About how old did it look? A It must have been built about eight months I guess, it wasn't old like logs get when it is built three or four years.
- Q That is when you saw it in 1873? A Yes sir, when we moved up to Gooseneck.
- Q Wasn't anybody living in that cabin? A Not when I first went.
- Q You never saw Tom Riley live in it? A No sir.
- Q You never saw his wife or children live in it? A No sir.
- Q Are you married? A Yes sir.
- Q What year did you marry in? A I married about seven years ago.
- Q Do you know what year you married in? A Time of the payment at Gibson, I don't know the dates.
- Q Have you any children? A One.
- Q What year was it born in? A He is five years old.
- Q What year was he born in? A I tell you I couldn't tell the dates.
- Q You aren't very good on telling dates? A No sir.
- Q When was the first time you ever saw Tom Riley's wife living in the Cherokee Nation after the war? A The first time I ever seen her I was working in Bartlesville when she come home, I don't know the dates of the week or months, but when I come home she was at my home.
- Q What year was that? A I told you I couldn't call the years.
- Q What year did you come home from Bartlesville? A I can't tell you.
- Q You don't know the years? A No sir.
- Q But you saw her at your place? A Yes sir.
- Q Did she have some children there? A Yes sir one or two.
- Q What were their names? A Beg if I know what their names was.
- Q Don't remember even the names of the children? A No sir, cause I didn't stay around there, I was working at Bartlesville and come home and stay two nights and went back.
- Q You don't know the year that was? A No sir.
- Q Is Tom Riley living or dead? A I think he is dead.
- Q What year did he die? A That is something again I can't tell you.
- Q You heard of his death? A I heard he was dead.
- Q But you don't know the date? A No sir.
- Q You are not very good on the dates of the years? A No sir.
- Q Did Mary Riley have a girl when they come there? A Yes sir.
- Q Was the girl married? A When they come down there that girl had two or three children.
- Q When you was working at Bartlesville and come home, you found Tom Riley's wife and daughter who had married there? A Yes sir she had two or three children.
- Q Was George Henselrig along with them? A No sir he wasn't with them, just them women there at that time.
- Q They were direct from Kansas then? A I guess so, I don't know.
- Q How old was Mary Henselrig's oldest child at that time? A About four or five years old.
- Q The next one? A The next one must have been three.
- Q And the next, a baby? A Yes sir.
- Q She had three then at that time? A Yes sir.

- Q And there is no way in the world for you to call that date?
A No sir I can't fix that date.
Q You are not good on the dates of the years? A No sir.
Q What did Tom Riley do there about Fort Gibson? A He wasn't doing anything.
Q Just living about? A Just staying around there.
Q You just saw him here and there? A Yes sir.
Q How old was this boy Joe? A He was a grown man.
Q At that time? A Yes sir, bigger man than you.
Q Was he along with his father? A Yes sir.
Q What became of Joe? A He is dead.
Q What year did he die in? A There you commence again.
Q You are not good on dates of years? A No sir I told you.
Q Where did Joe die? A At Bartlesville.
Q How long ago? A It has been a good long time.
Q Then you never saw him for a number of years after that? A I seen him oftener than that.
Q Did Tom Riley ever go back to Kansas and live with his wife?
A If he did, I didn't know it.
Q You was not there to see? A No sir.
Q You just don't know do you? A If he went back, I don't know it.
Q He might have gone back and you not know it? A Yes sir, but if he did I don't know it.

BY MR. VEASEY:

- Q Do you remember the close of the war? A I know when the war closed.
Q Where was you? A I was south with Bill Boudinet.
Q Was that in the Cherokee Nation? A In the Choctaw Nation.
Q How long after then did you go to Fort Gibson? A I come to Fort Gibson in February.
Q Of the year the war closed? A Yes sir, I was out there and this man told me I was free and could go home and I says, I am going home.
Q Was that the February of the year the war closed or of the year afterwards? A The same year the war closed I come to Fort Gibson.
Q In February before or after the war closed? A In February after the war closed, he didn't tell me I was free until after the war closed.
Q How many months after February of that year was it before you saw Tom Riley? A I saw him in '66 pretty close to Christmas.
Q How do you know it? A We all were to Tahlequah to hear the Treaty read and it said it was in '66, we all marched down there, Ross was chief at that time.
Q You saw Tom Ridge the same year they read the Treaty in Tahlequah? A Yes sir I saw him the same year they read the Treaty.

BY MR. HASTINGS:

- Q Which Ross was chief? A Bill Ross, I knowed him good.
Q He was the chief at that time was he? A Yes sir.
Q What month of the year was it? A I don't know it has been so long, I didn't keep it.
Q And you didn't keep the date of the year? A No sir.

BY MR. VEASEY:

- Q Did you see Tom Ridge in the Indian Territory once a year after 1866 until 1872? A I seen him oftener than that.
Q Did you see him as much as once a year? A Yes sir.

- Q Did you see him every year until he moved to Goocheneck? A I see him every year until he moved to Bartlesville, his sister and another old lady they called Granny Betsy and this woman, my wife, we all stayed in the same house together.
- Q And he stayed with his sister? A Yes sir and now and then he would pick up and go off, he wouldn't tell me where he went, and then he would come back.
- Q Did he make his sister's place his home? A Yes sir until he got that home at Bartlesville.
- Q What took him away from home so much? A I don't know, I never knew him to work very much.

BY THE COMMISSION:

- Q When did you first see this Mary Riley and Mary Haselrig in the Cherokee Nation? A At Goocheneck.
- Q When since the war? A I can't tell the date, it was along sometime way late, way after the time when they were there.
- Q Eight or ten years after the Treaty? A I think it was ten years after we went up there.
- Q During all this time did you state Tom Riley was living there with you and his sister, did you know where his family was? A He said his family was in Kansas.
- Q Did you say that you saw Tom Ridge in the Cherokee Nation from about 1866 up until 1874 or 1875? A Along there some place.
- Q And he claimed his family was in Kansas? A Yes sir, he would come here and I don't know where he would go.
- Q You don't know where his family was? A No sir.
- Q And you never saw them in the Cherokee Nation until several years afterwards? A No sir, he said they were at Lawrence, Kansas.

BY MR. VEASBY:

- Q Did he ever tell you why he didn't bring his family to the Territory? A Yes sir, he wasn't able to.
- Q Did he tell you he wasn't able to? A Yes sir, said when he got able to he was going to bring his family home.

TOM WALKER, being first duly sworn, testified as follows:

BY MR. VEASBY:

- Q What is your name? A Tom Walker.
- Q How old are you? A 50 years old.
- Q Where do you live? A At Fort Gibson.
- Q How long have you lived there? A I have lived there about 36 years, maybe 40.
- Q Was you living there in 1866? A Yes sir.
- Q Did you know Tom Ridge or Riley during his life time? A Yes sir I knowed Tom Ridge.
- Q Did you see him in the year 1866, if so, where? A I saw him at Fort Gibson at Uncle Johnson Maggs in December, 1866, sometime in December.

BY MR. HASTINGS:

- Q What time did you see him there? A It was in the year '66.
- Q What time in the year? A In December.
- Q You never saw him until December, 1866? A That is the first time I saw him.
- Q Was you living at Fort Gibson all this time before that? A Yes sir.
- Q You had been living there all the year of 1866? A Yes sir.

- Q And you had never seen Tom Ridge there before that? A No sir.
- Q About how long did he stay there when you saw him? A A week or two.
- Q Then he left did he? A Yes sir.
- Q How many years was it until you saw him again, as much as ten years? A It must have been longer than that.
- Q Well fifteen years? A I can tell you to make you remember, I never have counted it up, it was the time that Mr. Joel Mayes runed against Benge.
- Q That was in 1861 wasn't it? A That was the next time I saw him.
- Q You saw him in December, 1866, as you claim and then didn't see him until 1891? A That is right.
- Q How near Fort Gibson did you live? A About a mile.
- Q You was in Fort Gibson frequently? A Yes sir, sometime I lived closer than that.
- Q Just directly after the war where did you live? A About a quarter of a mile.
- Q How long did you live within a quarter of a mile of Fort Gibson? A Until about 1870.
- Q And you never did know or see Tom Riley any more after December, 1866, until 1891? A No sir.
- Q Did Riley have any members of his family with him? A No sir, he didn't have any folks there, he was just by himself, he was Uncle Johnson Meggs uncle.
- Q His wife wasn't with him? A No sir.
- Q Where was she? A I don't know.
- Q Was she on Spring Creek? A I don't know.
- Q Was she in Kansas? A I don't know.
- Q Didn't have any children with him at all? A No sir just by himself.
- Q Did you know any of his children? A I got acquainted with them after that.
- Q What were their names that you got acquainted with, Joe? A I knowed Joe Riley.
- Q During the war? A No sir after.
- Q When did you first see Joe after the war, did you see him before 1891? A Yes sir.
- Q How long before 1891? A I saw him when they were building that Female Seminary at Tahlequah.
- Q You mean that new Female Seminary? A Yes sir.
- Q You know that was burned down in April of 1887, don't you? A It was before that when I saw him, they built one there---
- Q You mean that colored school? A No a Cherokee school.
- Q That Female Seminary in the north part of town? A Yes sir.
- Q It was while they were building that that you saw Joe Riley? A Yes sir he come from Kansas, the way I understand it some man in Kansas had a contract for building it.
- Q And he came with him? A Yes sir he was a work hand.
- Q Don't you know that the old Female Seminary burned down upon Easter Sunday in April of 1887? A I remember when that burned.
- Q That was it wasn't it? A Yes sir.

BY THE COMMISSION:

- Q Have you been enrolled by this Commission? A Yes sir.
- Q Are you on the 1880 roll? A Yes sir every roll the Cherokees has got.
- Q When was it you first saw this man Tom Riley in the Cherokee Nation? A The first time I saw him was in December, 1866.
- Q You are positively of that? A Yes sir.

- Q How long do you think he remained in Fort Gibson? A About two weeks.
- Q Then what you want to testify is that you didn't see him any more until 1891? A Yes sir, I guess it was 1891, I don't remember, it was the time that Mayes runed against Benge for chief.
- Q And you don't know where he was during that time? A No sir.
- Q You never saw him during that time? A No sir.
- Q Did you ever know his family? A No sir.
- Q Never knew them at all? A No sir not then, I got acquainted with Joe Riley.
- Q Did you ever know Mary A. Riley, Tom's wife? A No sir.
- Q Did you ever know Mary Hardrig? A No sir.

JAMES NEAL VANN, being first duly sworn, testified as follows:

BY MR. VEASEY:

- Q State your name? A James Neal Vann.
- Q What is your age? A 47 years.
- Q What is your postoffice? A Choteau.
- Q Where was you during the war? A On Grand River.
- Q Who was you living with? A My grand mother.
- Q Who was she? A Nan Foster.
- Q Did you know Tom Ridge or Riley during his life time? A Yes sir.
- Q Did you see him during the year 1866? A Yes sir.
- Q Where and at what time of the year? A It was along sometime close to Christmas, in December.
- Q Where did you see him? A At my grand-mothers.
- Q Did you see him at any other time after December of 1866? A Yes sir.
- Q Where and when? A On Verdigris about in 1874.
- Q Had you seen him any between these two periods? A No sir.
- Q Do you know anything about his owning a place in the Cherokee Nation? A Yes sir.
- Q Where was that? A On Possum Creek.
- Q Did you ever have control or charge of that place? A Yes sir.
- Q When? A 1875 and '76.
- Q Who put you in control of it? A He did.
- Q What sort of a place was it? A A little log cabin and about eight acres in cultivation.
- Q How many rooms to the log cabin? A One.
- Q What sort of roof did it have? A Boards.
- Q Flat boards? A Yes sir.
- Q How long did you remain in control of it? A About two years.
- Q Did you turn it back to him? A No sir.
- Q What did you do with it? A I turned it over to William Woodard.
- Q Who told you to do that? A I got a letter from the old man Tom that told me to do it.
- Q Did you see him any after you had given up control of the place? A Yes sir.
- Q What year? A Every year after that until he died.
- Q Where did you first see him after you had given up that place? A There at my grand-mothers.
- Q When was that about? A '75, '76 or '78.
- Q Did he say anything about his family? A Yes sir.
- Q Did he say where they were? A Yes sir.
- Q Do you know anything about his family finally coming to the Territory? A Yes sir.

- Q When was that? A If I mistake not it was about 1878.
Q Where did they come if you know? A There to my uncle's and grand-mothers.
Q What sort of a settlement was that? A A good settlement.
Q What was it called? A Gooseneck Bend.
Q When did your grand-mother move there? A In 1873.
Q Did you move with her at that time? A No sir.
Q When did you come there? A 1874.
Q That was when you saw Tom again? A Yes sir.
Q What became of him after 1878? A They moved out on Caney.
Q Is that the place near Bartlesville? A Yes sir.
Q Where the old lady is now living? A Yes sir.
Q You know Mary A. Riley? A Yes sir.
Q Was she the woman that was said to be the wife of Tom Riley?
A Yes sir.
Q What sort of a fellow was Tom Riley, of a roving disposition?
A He travelled a right smart.
Q How old was you when you saw Tom Riley in 1866? A I don't know I must have been 12 or 13 years old.
Q You don't know exactly? A No sir, I was big enough to drive a team to Kansas.
- BY MR. HASTINGS:
- Q What year was you born? A I don't know.
Q What year was you married? A In 1874.
Q You never saw him from 1866 until 1874? A No sir.
Q How long did you see Tom Riley in 1866? A He didn't stay at grand-mothers very long.
Q A week? A Yes sir, I guess longer.
Q About what time of the year was that? A Along about Christmas or before.
Q Do you know whether he went back to Kansas or not? A He went up the river, I don't know.
Q Kansas was up that way? A Yes sir.
Q And you never saw him any more until 1874? A No sir.
Q He told your people that his family was in Kansas at the time?
A Yes sir.
Q He never had any members of his family with him? A Not at that time.
Q When did you first see the members of his family in the Territory? A I think it was about 1878.
Q Did you see George Hazelrig and his wife? A Yes sir.
Q That was in 1878? A Yes sir.
Q The year they come from Kansas? A Yes sir.
Q How many children did Mrs. Hazelrig have then? A I think three.
Q They were born in Kansas? A Yes sir, I think so.
Q George Hazelrig was a state raised man? A Yes sir.
Q He had never been in the Territory before? A Not as I know of.
Q Their mother, Tom Riley's wife, had remained in Kansas until 1878 so far as you know? A Yes sir.
Q You turned that cabin over to William Woodard? A Yes sir.
Q What finally became of it? A The best of my understanding George Lane got hold of it, but I don't know how.
Q Who broke out that 8 or 10 acres? A I couldn't tell you.
Q Tom Riley didn't did he? A I don't know, it was there when I moved there.

- Q Tom wasn't there when you moved? A No sir.
Q He was in Kansas? A I don't know.
Q Didn't he write you a letter from Kansas to give this place over to Mr. Woodard? A Yes sir about 1876.
Q He wrote you from Lawrence? A Yes sir he had been there, he made a crop with my grand-mother.
Q You didn't see that? A Yes sir I did.
Q You said you didn't see him from 1866 until 1874? A Yes sir I said so, but you didn't ask me how long after that that I saw him.
Q How long was it? A He stayed there with my grand-mother in 1876 and made a garden.
Q Did he come from Kansas down there then? A I don't know.
Q Did he tell you his family was in Kansas? A Yes sir.
Q When he wrote about this place he wrote from Lawrence, Kansas, did he? A Yes sir.

BY MR. VEASEY:

- Q Do you know why he was making that crop at that place? A Yes sir
Q What was it? A For his family he said.
Q What do you mean by that? A So that when they came it would be something for them to go on.
Q Are you on the 1880 roll? A No sir.
Q Did you ever have a conversation with Tom Riley about his being on the 1880 roll? A Yes sir.

BY THE COMMISSION:

- Q Are you on any one of the rolls of this Commission? A Yes sir.
Q Has your enrollment been approved by the Secretary of the Interior? A No sir.
Q You are an applicant for citizenship here before the Commission?
A I got a straight card when they enrolled me.

The hearing of this cause was here adjourned until
November 15, 1904.

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NOVEMBER 15, 1904.

APPEARANCES:

For Applicants, Hutchings, Murphy & Veasey.
For Cherokee Nation, its attorney, W. W. Hastings.

MARY E. ACHER, being first duly sworn, testified as follows on behalf of the Cherokee Nation:

BY MR. HASTINGS:

- Q What is your name? A Mary E. Acher.
Q What is your post office address? A Lawrence, Kansas.
Q How old are you? A 61 last June.
Q How long have you lived in the vicinity of Lawrence, Kansas?
A Since April of 1866.

- Q Where were you living during the war, did you live in the town?
A During the war I lived in Illinois, in 1865 my father moved to Kansas the 12th day of October, he landed in Coffee County, Kansas.
- Q Is that the county in which Lawrence is situated? A No sir in the spring of 1866 we moved. April 1, 1866 we moved to Lawrence.
- Q Did you move to the town? A Yes sir, April 1, 1866.
- Q How long did you continued to live in the town? A I lived there from April 1st to October 1st and then we moved in the Delaware reservation.
- Q What was your father's name? A C. C. Coble.
- Q How long did you live upon the Delaware reservation? A I lived there from October 1, 1866 until June, 1867.
- Q Where did you move then? A Back to Lawrence.
- Q Had you married in the meantime? A Not until 1868, March 4th.
- Q How far was this Delaware reservation from Lawrence? A About four miles.
- Q Across the river? A I lived on the north side and didn't cross the river to get there.
- Q Near what river? A Kaw River, it runs right through Lawrence, and I lived on the north side.
- Q Did you know a colored man by the name of Tom Riley? A I did.
- Q Did you know his wife, Mary? A Yes sir.
- Q Where did you know them? A I knew them on the Delaware reserve, I engaged Mary Riley to do our family washing there, October last or first of November, 1866.
- Q Did they live there? A They lived on the Indian reserve, yes sir, right at the foot of Sarcoxie hill.
- Q Had you known them before? A No sir that is the first year that I saw them.
- Q Did they have any other members of the family? A They had a daughter, I remember very well they called Sis, I don't know her other name, and a son called Bony. They called the girl Sis, I was extraordinarily acquainted with the old lady because she set her belonged to us.
- Q You knew her husband? A Yes sir, I knew him.
- Q How long did you continue to know Tom Riley and his wife? A I knew them right along from the time of November 1st or October last 1866 until June, 1867, then I moved back to Lawrence and I know no more of them until I was married and moved again on the Indian reserve.
- Q When was you married? A March 4, 1868.
- Q And then did you move back to the Delaware reserve? A I married and moved back to John Sarcoxie's house, he was the Chief of the Delaware.
- Q Did you find Tom Riley and his wife there then? A Yes sir they had moved from the little house he lived in across the road.
- Q About how far had he moved? A Not over a quarter of a mile, may be not that far, just a little ways from where I lived. Mrs. Riley was in my house on the date after I went to house keeping and I saw them from then on.
- Q Did you see the husband frequently? A Yes sir and the boy.
- Q How long did you continue to know this family after you was married? A I moved away from there March, 1870, and I didn't know anything of them after that, I lost trace of them then. I moved back to Lawrence and am living there yet.

- Q Did you see them any time after that in Lawrence? A I don't remember that I did, I don't remember.
- Q Do you know whether they had moved over to Lawrence before you left or not? A It seems to me that I left them on the reserve, I moved in the spring.
- Q Did Tom Riley live there with his wife all this time? A He did, they lived all together to the best of my knowledge.
- Q Did you ever miss him from his family any length of time? A No sir I never heard of it if he went away.
- Q You say the woman did your family washing? A Yes sir did my father's family.
- Q Did they wash for you after you was married? A Yes sir, one time, she washed some bed clothes for me after I married.
- Q About how far did they live from you before you was married? A About three quarters of a mile, I lived on Turkey Creek and they lived on Mud Creek, I think about three quarters of a mile.
- Q How far did they live from you after you was married? A Couldn't have been over a half mile or three quarters of a mile at the outside.
- Q And they lived there all the time you stayed? A All the time I stayed there, they lived at these two places.
- BY MR. MURPHY:
- Q What is your age? A 61.
- Q When was you first married? A 1868.
- Q In what year was you born? A 1843, wouldn't that make me 61 this last June or would it.
- Q You was how old when you was married? A I was married March 4, and I would have been 25 on June 16th.
- Q Who was it that washed for you after you returned to Lawrence in 1868, after this woman, the wife of Tom Riley washed for you once? A Mrs. Riley washed for me once after I married.
- Q Who washed for you then after that? A A woman by the name of Fenimore.
- Q How many times did she wash for you? A All the time I lived on the reservation.
- Q Do you now remember how many times this Mary Riley washed for you before you went away? A She was our regular wash woman in the fall of 1866 and the spring of 1867 until June.
- Q What month in 1866 did she commence working for you? A In November.
- Q What day in the month? A I can't call the day, either the very last of October or first of November.
- Q Is there any other fact that you can recollect in October or November, 1866, 38 years ago? A None only that she was our general wash woman when we wanted washing done.
- Q Did you have any other servants? A None.
- Q Have any one else working for you? A No sir.
- Q And she lived three quarters of a mile from you? A As near as I can remember, yes sir.
- Q What was the business of your father? A They had a contract of getting out ties for the Southern Kansas Road.
- Q You lived in the timber? A Yes sir.
- Q Were there other negroes in the vicinity? A There might have been, I wasn't acquainted with them then.
- Q How did this Riley spell his name? A I can't tell you about that for I don't know, they went by the names of Tom and Mary Riley.
- Q Which was the older, Tom or Mary? A I couldn't say that for I am not good at judging ages, I suppose he was the oldest, he was quite an old gentleman.

- Q How old was she? A MI couldn't say just how old, her children were grown nearly.
- Q He never worked for you? A None but the old lady.
- Q And they lived three quarters of a mile from your home? A Yes sir.
- Q What was he doing? A I suppose just general work.
- Q You don't know what he was doing? A No sir, just working around.
- Q How far did you live from the Indian Territory line? A I don't know.
- Q How far? A I don't know, I lived about four miles from Lawrence.
- Q What county is that? A Douglas County.
- Q Did this man Tom Riley ever go by the name of Tom Ridge? A Not to my knowledge.
- Q Do you recollect the name of any other colored family in that neighborhood at that time? A A family by the name of Spence Bell, but in my girlhood I didn't know them.
- Q You didn't associate with these people? A No sir.
- Q He may have worked at different places and distances from his home? A He might have, I didn't keep trace of him.
- Q You was concerned of her? A She was the one I knew best.
- Q Wasn't he of a roving nature going about the country and hunting and fishing? A I don't know she was the one I knew most about.
- Q Possz aught you know he may have been away for several months at a time? A I don't know whether he went or not, I didn't keep trace of the family.
- Q There were many people in the locality that you was acquainted with as well as this family? A No sir not much.
- Q There was a neighborhood of people there? A No sir, mostly Indians and the colored people.
- Q How many white families in your immediate neighborhood? A Only one that I remember.
- Q You didn't keep in touch with the Indians and colored families there? A No sir not much.
- Q You was not concerned whether Tom Riley was in the Indian Territory, Nebraska or Missouri? A No sir.
- Q So far as he was concerned he was a great fellow to be away from home wasn't he? A I couldn't say about that, I never remember of her saying he was away.
- Q Did you ever hear them discuss their rights as Cherokee freedmen?
A No sir.
- Q You knew he was in the army? A If I knew it, I have forgotten it.
- Q Whether he was or wasn't you remember about the soldiers coming there do you in 1865 or 1866? A I wasn't there in 1865.
- Q Well 1866? A I remember about the soldiers camping at my place but it seems to me it was later than that, I knew it was, it must have been in the fall of 1868.
- Q The soldiers returned from the war in 1868? A They were going to Fort Riley.
- Q I am speaking of the soldiers engaged in the war between the states? A I don't know about that.
- Q Tom Riley didn't concern you at all? A No sir.
- Q He may have come to the Indian Territory and stayed several months for aught you know? A I don't know anything about that.
- BY MR. HASTINGS:
- Q You never did miss him from up there? A No sir I never heard of his being away.

BY MR. MURPHY:

- Q And yet that might have occurred and you were not concerned about this colored man? A Not very much.
- Q He may have been away six months and you not remember it? A I didn't keep trace of him.
- Q He might have been away fro six or eight months for aught you know? A Yes, but I never heard of it.

BY MR. HASTINGS:

- Q You never missed him away from there at any time? A No sir.
- Q And if he was away you never heard her speak of it? A No sir.

DAVID ACHER, being first duly sworn, testified as follows on behalf of the Cherokee Nation:

BY MR. HASTINGS:

- Q What is your name? A David Acher.
- Q Are you the husband of the lady who just left the stand? A Yes sir.
- Q When was you married to her? A On the 4th day of March, 1868.
- Q Where had you lived previous to that time? A My home was in Lawrence, Kansas, but I was through the country a great deal at different places.
- Q How far did your wife's father's family live from Lawrence at the time you married? A About six miles.
- Q Was that section of the country designated by any name? A They lived at what was called Fall Leaf at the time.
- Q Was there any Indian reservation out there? A It had been extinguished at that time, I think the title was extinguished about 1864 or 1865.
- Q After you was married in 1868 where did you go to live? A We moved into a house near Mr. John Sarcouxie.
- Q Who was he? A A Delaware Indian.
- Q Was there any Delaware land there? A The title had been extinguished but they hadn't got away. He was expecting to go away from there and come down here.
- Q You went to live there with him? A Yes sir we went into the house with him, and were there ten or twelve days before they got away.
- Q Did you know a colored man by the name of Tom Riley? A I knew the Riley family, that was the name they were supposed to go by.
- Q Did you know him by that name? A I don't know that I heard that name mentioned, they called him old man Riley.
- Q Did you know his wife's name Mary? A No sir.
- Q Did you know the other members of his family? A I knew a young man who went by the name of Sony Riley, and a young lady that generally went by the name of Sis Riley at that time, I don't know what her real name was.
- Q When did you first learn to know this family? A I heard of them as soon as I moved into the neighborhood, they lived on the same piece of land I was going to farm, probably three quarters of a mile from where I lived to where their shanty was, I didn't go there until April or May.
- Q Of what year? A 1868.
- Q But you found them living there in March, 1868? A Yes sir.
- Q About the month after you moved there? A Yes sir, sometime along in April or May after I moved.

- Q You found them living there? A Yes sir, in a shanty about four miles east of Lawrence.
- Q How long did you continue to know old man Riley and his family living there? A They were there when I left the place in the latter part of March, 1870, we moved back to Lawrence.
- Q Did you have occasion to see old man Riley before during that three or four years? A Yes sir I saw him frequently.
- Q How far did you live from him? A About three quarters of a mile.
- Q You think you left him there when you moved to Lawrence in 1870?
- A I am pretty sure the family was there.
- Q Do you remember seeing the old man himself frequently? A I can't say positively that I saw him every time I went by there, I went down occasionally in the woods getting some cord wood out, and the railroad went by the shanty pretty close, probably eight or ten rods, sometimes I would see the old man about the shanty and sometimes I wouldn't.
- Q Did you ever miss him or know of his running away from that neighborhood during that time? A No sir I never heard of it, I never heard anything about it.
- Q If he ever left during that time you never knew of it? A No sir.
- Q Your attention was never called to it if he left? A No sir, I never had any particular business with the family.
- Q And you never missed seeing him for any length of time?
- Mr. Murphy: Objected to as slightly leading and suggestive.
- Commission: Objection noted, witness will answer.
- A No sir I don't think I did, I don't know that I saw him every time I passed by there.
- Q But your attention was never called to his being gone? A No sir.
- BY MR. MURPHY:
- Q When did you first know the Rileys? A Along about April or May of 1868.
- Q When was you married? A On the 4th of March, 1868.
- Q And shortly after that you knew of the Riley family? A Along sometime during the next month or so.
- Q You say that was about four miles from Lawrence? A The shanty was about four miles.
- Q How far did you live from them? A About three quarters of a mile.
- Q Nearer to Lawrence or farther away? A Nearer to Lawrence, they were southeast from the house where I lived.
- Q When you went to Lawrence you didn't go by this place? A No sir.
- Q Lawrence was your marketing place and trading place? A Yes sir.
- Q The only one in that country? A Yes sir.
- Q You didn't have to go by his place to Lawrence? A No sir.
- Q You didn't have occasion to go by his place frequently? A I don't know just how frequently it was, I was taking charge of all timber there for the parties that claimed the place.
- Q Tom never troubled the timber did he? A Not so much the timber as the cord wood.
- Q Was he much of a worker? A I don't know about the old man, I never saw him work.
- Q You was more concerned about the woman, was you not, Mrs. Mary Riley? A I don't know as I ever saw her.
- Q Didn't she wash for you people? A She washed for my wife's folks before I was married.

- Q Did she ever wash for you after you was married? A No sir.
- Q Never did? A No sir, we didn't have any darkey with the family.
- Q You never had them around at all? A No sir.
- Q You know the family lived there just as other families lived there? A Yes sir, just passing around.
- Q Of course this colored family didn't move in your society at all?
- A No sir.
- Q Tom Riley was kind of a fisherman wasn't he? A I don't know.
- Q Never could find out? A I don't know as I ever heard any one say whether he did anything of the kind or not.
- Q You didn't know just when he went away from home and come back?
- A No sir.
- Q For aught you know he might have gone to the Indian Territory, Cherokee Nation south of where you lived and built him a house there and stayed a few months and returned without you knowing it?
- A It is possible, I don't know, I never kept any track of him, what he was doing.
- Q You knew the woman and Bony and the children more than you knew him? A I knew them all just about the same.
- Q Isn't it a fact that you have recalled the names by becoming refreshed since rather than remembering it through the 38 years?
- A I have never thought very much of it in fact never thought anything of the family until my memory has been refreshed in regard to it.
- Q You don't remember the names of any other colored family and children that lived there 30 years ago? A No other colored family lived on the place.
- Q But in the neighborhood? A There was a family by the name of Bell lived there.
- Q Did you know his first name or any of the children? A Spence Bell.
- Q But the children? A They had no children.
- Q Do you remember his wife's name? A No sir.
- Q Do you remember the Sarcoxies? A Yes sir.
- Q What were their names? A I don't know, the old gentleman's name was John Sarcoxie, he was the one I lived in the house with, I don't know what his wife's name was.
- Q And they lived in the house with you? A Yes sir.
- Q How long? A About ten days, from the 4th of March until, I think about ten days.
- Q You don't recall the woman's name that lived in the house with you, the colored woman's name? A All the name I ever heard for her was Ann.
- Q They were Indians? A Sarcoxie was pretty near white.
- Q You didn't know Tom Riley in 1866 or 1867? A I didn't.
- Q For aught you know he may have spent those two years in the Cherokee Nation? A Yes sir he might have been away from there, I had no knowledge of the family up until the time I moved there.
- Q You didn't know them yourself until 1868? A No sir.
- Q Did you know of any other Riley's in that country, colored people?
- A I think not.

W. R. SMITH, being first duly sworn, testified as follows on behalf of the Cherokee Nation:

BY MR. HASTINGS:

- Q What is your name? A W. R. Smith.
- Q What is your age? A 71 years past.
- Q What is your post office address? A Lawrence, Kansas.

- Q How long has Lawrence, Kansas, been your post office? A Since 1896.
- Q Where did you live during the war and the first few years after the war? A During the war I lived in Coffee County, Kansas, entered the service there.
- Q And where did you live at the close of the war? A In 1866 I moved to Lawrence, Kansas.
- Q How long did you continue to live in Lawrence at that time? A Lived there about a year and a half.
- Q Where did you go to from Lawrence at the end of the year and a half? A I went to Leavenworth County on the Delaware reserve.
- Q How far was that from Lawrence? A About four miles.
- Q About what time did you move out to this Delaware reserve? A I moved there the first of April, 1868.
- Q Out on the Delaware reserve? A Yes sir.
- Q Did you afterwards move to town? A Yes sir, but the next move I made was two miles northeast of there and I lived there until 1896.
- Q You said about a year and a half after 1866 you moved out on the Delaware reserve? A Yes sir, I moved April 4, 1868.
- Q Did you know a colored man by the name of Tom Riley? A Yes sir.
- Q Did you know his wife? A Yes sir.
- Q When did you first learn to know them? A In the spring of 1867, a year before I moved there, they were then living at that point.
- Q At what point were they living? A About four miles east of Lawrence at Sarcouxie Hill.
- Q How did you come to know the Rileys in 1867? A I leased a piece of land from the Sarcouxies and cultivated a crop on their lands in the summer of 1867, and that is when I got acquainted with them.
- Q How far did they live in 1867 from the land you leased and cultivated? A About a quarter of a mile.
- Q You say then that you moved out there in 1868? A Yes sir.
- Q And you say the Rileys had moved what distance in the meantime? A Yes sir, about a half mile further down in the timber.
- Q How far did that make them from where you moved to? A About three quarters of a mile.
- Q Did you move out upon this same land you had cultivated in 1867? A Yes sir the land I cultivated was the Sarcouxie homestead, that particular eighty, but there was another large tract of land a gentleman in Lawrence had control of and I had the two in connection.
- Q You had supervision over them? A Yes sir from sometime in 1868.
- Q Up until when? A Until 1873, about five years.
- Q You say that you knew old man Riley out there in 1868 when you moved out? A Yes sir they were right at these two place all that time.
- Q Did you know any other members of his family? A Yes sir.
- Q Did you know their names? A There was one boy called Bony, he went there by the name of Bony it was said his name was Allen, but I never knew him only by Bony a boy from 16 to 19 years old.
- Q Did they have any girls? A Yes sir had only called his.
- Q Did they have any other boys that you recall? A Yes sir I remember one morning I dropped there on business with the old man and I saw a younger one than Bony sitting on a log there, and I saw him at different times around, and it was generally understood that he was a member of the Riley family, and I think there is another but I am not sure.

- Q Did old man Riley ever work for you? A No sir, he may have done odd jobs but I don't recall that he did.
- Q He never did any continuous work for you? A No sir he was a tenant on the place there.
- Q Cultivated a crop? A A little crop, yes sir, ten or twenty acres.
- Q What year was that? A In 1868 and 1869.
- Q Do you know whether he cultivated a crop in 1867 or not? A He didn't have much of a crop, he had a patch he leased from the Indians.
- Q And he cultivated a crop in 1868? A Yes sir in 1868 and 1869.
- Q Did you have occasion to see him frequently? A Yes sir every day almost.
- Q Did you ever hear of his being away from there during those years of 1867 frequently, of 1868 and 1869? A It was possible for him to have been away a week or few days, but not more than that.
- Q You never missed him away from there? A No sir, understand me, he may have been gone for a few days, I can't recall it now.
- Q Do you know where this family went to from there? A They went to Lawrence.
- Q Did you ever afterwards see him in Lawrence? A Yes sir he and the boy Bony at different times.
- Q Do you know how long you continued to see him in Lawrence? A Not positively but some two or three years I should think.
- Q You never was at their home in Lawrence? A No sir.
- Q How far did they cultivate land from where you did in 1868 and 1869? A It was only a short distance, the owner of the land had laid it off in ten acre blocks, and he had one or two blocks.
- Q A part of this same land you had supervision over? A Yes sir, I cultivated a crop there myself.
- Q And he had part of the same land that belonged to the same man? A Yes sir.
- Q What is your occupation? A Farmer, of course I haven't done much of it in the last six or eight years, I live in town.
- Q Was you in the army? A Yes sir.
- Q The Union army? A Yes sir, put in three years.
- Q Are you a citizen of the United States? A Yes sir I think I am, I feel that I am, if I am not I am without a home.

BY MR. MURPHY:

- Q What is your name? A W. R. Smith.
- Q When did you return from the army in the war between the states? A Mustered out at Leavenworth in November, 1865.
- Q Were there a number of returning companies and regiments there mustered out? A Yes sir several.
- Q Were there any in 1866? A That is quite possible, I can't recall it and my location would not have given me an opportunity to know, I can't answer but probably there was.
- Q Was you acquainted with the soldiers who fought on the Union side from the Indian Territory and know where they were mustered out at the close of the war? A I know one colored regiment.
- Q From the Indian Territory? A No sir not from the Indian Territory.
- Q Do you know of any of the colored people who fought on the Union side being mustered out at Leavenworth, Kansas, about 1865 and 1866? A I know one regiment that was organized in Kansas.

- Q Do you know the colored soldiers that fought on the Union side, were they mustered out at the close of the war, those from the Indian Territory? A There may have been colored soldiers there in this regiment that belonged and I think were in the 79th, there were some I presume from this Territory.
- Q From the Cherokee Nation? A Yes sir and other nations in the Territory.
- Q They would naturally enlist there and be mustered out there?
- A Yes sir those were mustered out at Leavenworth in November, 1865.
- Q You didn't know this man Riley and his family until 1867? A The spring of 1867.
- Q Where was you living at that time, when you first knew them?
- A In Lawrence.
- Q How far from Lawrence were they living? A About four miles.
- Q How often did you see them during the year 1867? A I couldn't answer exactly, but some weeks every day most.
- Q Was you running around in that neighborhood at that time? A Yes sir, from the Saroxies in the summer of 1867, I made my residence in Lawrence.
- Q This man didn't work for you did he? A I don't recall it.
- Q Don't you recall his son Bony and the women people did the most of the work there around the home on this little tract of land they cultivated? A They did the work I presume, of course.
- Q The old man didn't do much did he? A He done to my recollection about as much as any, but when it come to cultivating that tract of land, the old gentleman didn't do much of that I think.
- Q He was more of a rambling nature, didn't he do hunting and trapping? A I don't recall it though it might have been.
- Q You didn't have such relationship with these colored people that you would know of their going in and coming back? A They might have been away from there a week at a time, but I don't recollect it.
- Q The family might have lived there, the boys and girls be there, and the old man away for months and you not know it? A I don't think that was probably.
- Q And during the year 1868 that might have been true wouldn't it?
- A I don't think so.
- Q They lived farther from you in 1868 a half mile, and you didn't see them so frequently? A I don't think there was any difference.
- Q But they had moved farther away from you a half mile? A Yes sir.
- Q And lived there in the timber? A Yes sir.
- Q You didn't know anything about this man Tom Riley in 1866? A No sir.
- Q Nor during January, February, March and April of 1867? A Not until the crop season of 1867.
- Q Mr. Tom Riley might have been down in the Indian Territory in 1866 and up to probably as late as April, 1867 for aught you know? A I couldn't answer that, I don't know.
- Q There was no occasion for your knowing of his coming away and going back any more than any other colored family that lived near? A No sir, after they left there in 1870 as I stated before I only saw the old gentleman and the boy occasionally for two or three years in the city.
- Q And he might have during that time had a home in the Indian Territory with his sister and been down in there and returned? A He might have done that after 1870 after he left the farm.

- Q He may have been away all of the year 1866 and up to April, 1867, and they may have been away for months at a time in the latter season you knew him in 1870? A No not for Months in 1870.
- Q Two or three months? A I think that wasn't possible.
- Q Where was you living in 1870? A At this same place.
- Q When did he move to town? A In the spring of 1870 to my best recollection.
- Q Then there was two or three months at a time that you didn't see him? A Yes sir.
- Q In 1866 you didn't see him at all? A No sir.
- Q Then up until the early spring of 1867 you didn't know him? A No sir.
- Q During the time prior to your knowing him in the early spring of 1867, he could have come to the Cherokee Nation, Indian Territory? A I don't know anything about that.
- Q If he moved to town in 1870 and you lived in the country he could have come to the Territory and been here at various times for two months at a time and you not know it? A After 1870 I only saw him occasionally.
- Q And during that time he may have come here? A Yes sir and ~~xxxx~~ spent a great deal of time in the Territory so far as I know, I saw him occasionally up there after 1870.
- Q Do you recall any other colored family in the neighborhood at that time? A I don't know that I can, there was a colored family by the name of Andrew Barnett.
- Q Did you know his wife's name? A No sir.
- Q His children? A No sir.
- Q Or when he moved? A No sir.
- Q Or how long he lived in one place? A He was there, and I am able to recall another colored family.
- Q You don't remember the name of any other? A One other colored tenant there I believe.
- Q Do you know of the son of this man Riley by the name of Joe? A No sir, I have heard of him but never knew him.
- Q He didn't stay at home? A I don't recall him, he certainly couldn't have been there without me seeing him, there was another son ~~xxx~~ but I don't know whether he was a stepson or not, I think there was another one that belonged to the wife.
- Q He didn't stay at home? A I don't recall seeing him.
- Q Did you know a daughter about ten or twelve years old at that time by the name of Mary? A No sir, I only recall one and she went by the name of Sis, her age I don't know, she worked around for people, I think perhaps she was a seamstress.
- Q That daughter? A Yes sir.
- Q How old was she? A She must have been anywhere from 17 to 20, I don't know, I can't recall her age.
- Q When did you first recall this old instance of 38 years ago? A Some people dropped down in our town.
- Q Who were they? A Mr. Paramore.
- Q Coming there with reference to your testimony in this case? A Interviewed me, yes sir.
- Q And your recollection has been largely refreshed by talking it over since that time? A It was all very vivid to me at the start except one item, my memory may have been refreshed on that point, that is the date of Riley's leaving, 1869 or 1870, at first I doubted whether it was 1869 or 1870, but I am now satisfied that it was 1870.

- Q When you was first interviewed about it you had, however, to be refreshed before you could recollect these old matters? A In so far as cultivating that crop in 1867 on the Sarcoxie homestead and at the time that they left. They left that locality under circumstances that would cause me to remember it all my life, I didn't need any refreshing on that.
- Q Are there any other parties that you recall that happened about that time that happened with reference to any other colored family that you can now name? A No sir, I can't recall another colored family that was on that tract of land at that time except this man Barnett.
- Q I mean in that vicinity, neighborhood? A Yes sir, a little later on about that time there was a colored fellow that lived in the neighborhood by the name of Ball.
- Q Did you know him yourself? A Yes sir.
- Q What was his wife's name? A I don't recall it.
- Q How many children did he have? A I don't know, they had some.
- Q Do you know the names of the children? A No sir.
- Q Do you remember when they moved into that neighborhood? A No sir not positively, might have been 1868 or 1869.
- Q And do you know how many acres of land he cultivated? A No sir he wasn't on this tract of land.
- Q Do you remember when he moved away? A No sir not positively yet that old fellow did some work for me.
- Q How frequently did you see his family? A Not often.
- Q How many people have you talked over these old matters with since 38 years ago, since you have thought of coming here to testify?
- A Not but two and that very limited.
- Q Some of the neighbors? A Mr. Acher and wife, they are relatives of mine.
- Q You exchanged views and recollections about it? A On nothing where there was no disagreement except in 1868 or 1869 at the time they left.
- Q Did you recall readily these names of the children? A I recalled the one known as Bony, I came in contact with him.
- Q You recall Sis? A I remember seeing her.
- Q And you recalled the name of the wife of Riley? A I would not swear that Mrs. Riley's name was Mary or any other name, she was there but I don't recall her name.
- Q The fact is that you hadn't thought of this matter for 38 years?
- A Yes sir, there had been two or three times in that time meeting up with parties who had lived there and we talked of this old matter but not except in a general way.
- Q You would not discuss the relationship of a colored family in meeting your old friends there? A Not likely to but I knew of an incident or two in this case that we would be liable to do it but I don't recall that we ever did.

BY MR. HASTINGS:

- Q What special incident was it about their moving that you recall would cause ~~to~~ them to move? A The conduct of the family, what you might call business management was such that all citizens, especially on the part of the young man, the citizens of that neighborhood could not stand it.
- Q In other words it was an objectionable family? A Yes sir.
- Q Did you ever hear old man Riley speak of where he came from?
- A I can't recall that I did.
- Q Did you ever hear him say to whom he belonged? A I never did.

BY MR. WURPHY:

- Q This objectionable feature you speak of had reference to the boy did it not? A Yes sir.
- Q And not to the father or mother? A Just the boy, the father shielded him.
- Q The father or mother did nothing that was reprehensible that you wanted to get rid of them? A As a matter of fact I don't know any bad act on the part of the old people but they upheld the boy, kept him there.
- Q Most parents do that? A It is right to a reasonable extent I presume, it is a natural propensity.

BY THE COMMISSION:

- Q Will you give me an idea as to the first time you got acquainted with them, what time of the spring of 1867? A Along in the month of April.
- Q That is your best recollection? A Yes sir.
- Q You knew them out there four miles from Lawrence until 1870? A Yes sir.
- Q That is what you want to testify is it? A Yes sir.

RACHEL WARE, being first duly sworn, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A Rachel Ware.
- Q What is your post office? A Lawrence, Kansas.
- Q How old are you? A I don't know exactly they didn't give it to me when I was young and I didn't get it.
- Q You was a slave before the war? A Yes sir, a child.
- Q Did you live in Lawrence during the war? A No sir.
- Q When did you come to Lawrence? A I come right after the raid had here had at Lawrence.
- Q Was you there at the close of the war? A Yes sir.
- Q Have you lived in Lawrence ever since? A Yes sir, this book will tell you how long I have lived there.
- Q This bible? A Yes sir.
- Q Did you know a colored man and his family whose names was Tom Riley? A Yes sir.
- Q Did you know his wife? A Yes sir.
- Q What was her name? A I just don't exactly know her name, but I knew them, I know the childrens names.
- Q Did they have some children? A Yes sir.
- Q What were their names? A One Bony, one was named Mariah, they call her Mary here I understood, and they had one named Bettie and one named Joe Riley.
- Q Where did these people live when you first became acquainted with them? A They lived over the river but I don't know just where over there.
- Q Did they ever move to Lawrence? A Yes sir they moved to Lawrence but where they moved from I don't know, they moved to Lawrence from over the river.
- Q How far from you did they move when they moved to town? A Right in my house when they moved.
- Q You had seen them before had you? A Yes sir I had seen them before.
- Q How long had you seen them before that? A Quite awhile but didn't keep account of the time.

- Q But when they moved to your house you did keep account of it?
A Yes sir.
- Q You don't know anything about this, V? A No sir I didn't cause I didn't keep account I could have but didn't do it.
- Q Is there any record or anything by which you can tell when the Rileys moved into your house in Lawrence? A I tell you I don't know the exact date they moved in my house, but I know when they moved, they didn't stay there long only until they could get a house, about a month or something like that, we had two rooms and I let them in my house.
- Q You say you have some data by which you can tell when they left there? A Yes sir.
- Q What is that? A I will tell you when they left my house, my child was born, about seven months old, and it was sick and when they moved out it died in a week after they moved out, and it is right here, I had everything put down about my children and marriage in my bible.
- Q And that child was alive when they were there? A Yes sir.
- Q And it died in a week after they left? A Yes sir.
- Q Did you have put in this bible the date of the death of your child? A Yes sir.
- Q What was the name of that child? A Frederick Ware.
- Q Can you read? A No sir.
- Q Is this record in your bible here? A Yes sir and it is correct.
- Q This is your family bible is it? A Yes sir.
- Q Was this date placed in there about the time of the death of the child? A Yes sir it was placed in there then.
- Q And the record that is in this bible here is the record of the death of this child that you refer to? A Yes sir.
- Q Can you read it? A No sir.
- Q But that is the record? A Yes sir cause I get it put down straight.

Mr. Hastings: I desire to offer in evidence the bible referred to by the witness and ask that the record of the date of the death of Frederick Ware, the child referred to, be copied and made a part of the record in this case.

Mr. Murphy: The attorney for the applicant asks permission before the record is received to cross examine the witness with reference to this bible.

Commissioner: All right go ahead on that proposition.

BY MR. MURPHY:

- Q Who wrote this in this book? A The minister, I don't know whether it was Lee or not, it has been quite awhile.
- Q What was this child's name that died about this time? A Frederick Ware.
- Q You don't remember who wrote this in here? A Not exactly I had a minister do it.
- Q Do you recall the name of the minister? A I can't remember that hardly, I don't think of that.
- Q It is the one you had before you came down here is the minister that entered this? A He isn't here I could have gotten his name but he is gone now.
- Q How many years has he been gone? A Quite awhile.

- Q How long after this child died did he put this down here? A Right away after it died.
- Q Did you have these other entries made in here at the time you made the first one? A No sir only as they come.
- Q You had some entries made here about another child that died? A That was Leather.
- Q Was that entered at the same time of the other? A No sir Ella first and Freddie next.
- Q Who entered the one as to Leather? A I don't know what minister.
- Q The same one as about Frederick? A No sir, he was gone then.
- Q And who made the entry about Ella? A I forgot who he is.
- Q How long have you had this bible in your possession? A I got it right after the first child was born, and that is Ella.
- Q Do you know whether he wrote it in there properly or not? A Certainly I do.
- Q How do you know? A I got it from the lady who waited on me and she had it put down that day.
- Q But you don't know what is in that bible? A No but I got it, the other people at home to show it is the same.
- Q You have never been able of your own knowledge to determine whether that entry is to the death of this child Fred is correct? A I can't but I should have called at the Court House and got it.
- Q Well you don't know of your own knowledge whether that entry in there is the date of the death of your child? A Yes sir, it is.
- Q How do you know? A I have had it read over to me by different ones.
- Q Do you remember when your child died? A I had it put down.
- Q What date was it? A The day is in there, I was particular to have it all put down, my brains would not remember it and I had it all put down in the bible so it could be remembered.

Mr. Murphy: We object to the introduction of the record as not being sufficiently identified.

By the Commission: The record as introduced by the Attorney for the Cherokee Nation is taken from the bible identified by the witness and reads as follows: "Frederick Ware departed this life Jan. 18th, 1870."

BY MY HASTINGS:

- Q You speak of the Rileys leaving your place about a week before the death of this child, do you know where they went? A Yes sir, they went the second week from me up to Mr. Jenkins.
- Q Did you know them after they went up there? A Yes sir, in the house a many a time and they were back to mine cause I was kind enough to let them stay in my house.
- Q How long did you continue to know this family from that time? A Until they came away down here, went away from there any how.
- Q Did this girl marry? A Yes sir, married George Hazelrig, the one I called Mariah.
- Q Did you know the correct name of that boy they called Bony? A They called him Allen but the nick name was Bony.
- Q And he was always called by that name? A Yes sir.
- Q About how many years did you continue to know them in and around Lawrence from the time they first lived in the house with you? A Around and about, it was 15 years I know.
- Q Did you see old man Tom Riley frequently during that time? A Yes sir all the time often and on.

- Q Did you ever hear of him being away from there any considerable length of time? A No sir.
- Q You never knew of that? A No sir.
- Q You say they had a boy named Joe? A Yes sir he was the oldest boy I guess.
- Q And they moved up next to Mr. Jenkins? A Yes sir, second block from me up there on the hill.

BY MR. MURPHY:

- Q What was the father's name of Bony? A His name was Joe Riley, they called him Joe, old man Joe Riley.
- Q He was the man that lived there for 15 years? A Yes sir.
- Q What was the mother's name? QA I have slipped her name somehow or other, not paying attention, I don't know exactly what her name is, forgot it that's all.
- Q What did this Joe Riley do that you spoke of? A The old man.
- Q Yes? A He just nosked around and about and worked for Mr. Jenkins.
- Q Did he ever go out of town at all? A Not after they left my house as I know of.
- Q You didn't know him until 1870 did you? A I knew them before they come to my house but I don't know just what date it was.
- Q How long did you know them before they come to your house? A I don't know exactly, quite awhile.
- Q You knew them a few weeks or months? A Yes sir.
- Q A way back in 1866 or 1867 you didn't know them? A I don't know much about the numbers is the trouble if I knew them I might tell.
- Q This man Riley might have gone down to the Indian Territory in 1866 and 1867 and lived there for aught you know before you knew him? A Before I knew him that might have been, I knew him when he lived on the river.
- Q But before you knew him? A I don't know anything about that.
- Q He lived in your house about a month? A Yes sir.
- Q His name was Joe? A Yes sir.
- Q And you don't remember his wife's name? A I scarter forgot but I would know by asking the other lady, I didn't think to do it before I come in here.
- Q But you do remember distinctly the old man's name, Joe? A Yes sir.
- Q You knew him best of all? A No sir knew them all knew him by Joe cause some of my folks were named Joe

BY MR. HASTINGS:

- Q They had a girl that married George Hazalrig? A Yes sir.
- Q You knew that? A Yes sir.
- Q They had a boy did they? A Yes sir.
- Q What was his name? A His name was Bony.
- Q Now Andie are you certain about what old man Riley's name was?
- A Joe Riley.
- Q You think it was Joe? A I don't think anything about it.
- Q You feel certain it was that? A I was thinking about his son.
- Q When you was mistaken in calling him Joe? A His son was named Joe, but the old man was named Tom.
- Q His name was Tom? A Yes sir I was thinking of Joe.
- Q You was mistaken and got his name mixed up with his son? A Yes sir.

BY MR. MURPHY:

- Q Did you have a brother named Tom the reason you remember it?
A No sir but some of my connection was named Joe.

PETER JENKINS, being first duly sworn, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A Peter Jenkins.
Q What is your age? A 61 years the 4th of last August.
Q What is your post office address? A Lawrence, Kansas, Douglas County.
Q How long has Lawrence been your post office? A Lawrence has been my post office for 40 years.
Q Then you lived there during and just after the war, did you?
A Yes sir.
Q Did you know a colored man in Lawrence, Kansas, by the name of Tom Riley? A Yes sir, I think I did, he went by the name of Tom Riley in Lawrence.
Q Did he have a family? A Yes sir.
Q How far did he live from you? A When I first recollect of seeing him he was I guess about four miles out of town.
Q Did he afterwards move to town? A Yes sir.
Q How long did you know him before he moved to town? A I just don't recollect about how long any more than this, I went to his house when I was out in the country before I moved to town shortly after I moved to town, I had kind of a law suit.
Q How near did they afterwards move to you? A I lived on Lot 842 and they lived adjoining lots to me.
Q Do you know where they moved from to your place? A I leased this lot from St. Clair, the real estate man, and I rented it to him to put a house on it at the time.
Q Did he put a house on it? A He bought a house and had it moved on it.
Q Then did he move into that house? A He did.
Q With his family? A He did.
Q Do you know where he moved from? A He moved from Mr. Ware's place, Cy Ware's place.
Q Was that the husband of this ~~xxx~~ woman that just left the stand?
A Yes sir.
Q How long did he continue to live at this place adjoining you?
A I couldn't say positively all I can say when he left there he told me he was going to the nation.
Q About how long did he remain there to the best of your judgment?
A Between ten and twelve years.
Q Did you see the old man there frequently as you would see any other neighbor? A It was just this way, I will have to acknowledge the truth, I was a contractor and taking work there and very often I hired the old man to help me he was a good hand, for several years I hired him to help me and I saw him when he worked for me.
Q Did you know the members of his family? A I didn't pay a great deal of attention to the children.
Q Did you know George Hazelrig? A I did.
Mr. Murphy: Objected to because the question was leading and suggestive.
Commission: Objection noted.
Q Did you know who George Hazelrig married? A He married one of Tom Riley's daughters.
Q How long did you know George and his wife up there? A He married her when she was there in school.

- Q How long did they continue to live there in Lawrence after that time? A I can't tell you just how long that was, though when George come down to the Cherokee Nation I bought a ticket and put him on the train.
- Q And you don't remember the date? A No sir I couldn't, I paid no great attention to it, he had been working for a man by the name of Tom Dee and Tom Dee paid him some and I knowed Tom Dee would pay me the money I paid out for George.
- Q You say you know them there for ten or twelve years; after they moved to that house there by your place? A Yes sir.
- Q Did you say you knew they came to the Territory afterwards? A I know only what he told me, that is what I said.
- Q Did they live in the same house all this time or did they move? A He lived there until he come away, sold the house for \$40.00 and left Kansas to come down in the nation, said he was coming.
- Q They had the ground leased? A Yes sir.
- Q And the house belonged to him? A Yes sir.
- Q And all these years they kept house there? A Yes sir.
- Q Did they have a boy by the name of Bony? A They called him Bony, his name was Allen, I believe they had two boys, and Allen I can recollect, I think they called him Bony, I recollect him because I had a great deal of trouble with him.

BY MR. MURPHY:

- Q You state that old Mrs. Riley moved a house on the place there? A I didn't say old Mrs. Riley, I said Mr. Riley.
- Q You don't know the year do you? A No sir.
- Q You don't know when you first got acquainted with them, what year? A I explained it in the first place.
- Q I am asking you do you know the year you first got acquainted with Tom Riley? A I don't know sir.
- Q You don't know whether it was 1870, 1875 or 1880? A I couldn't say I know it was during the war that I got acquainted with him in the first place.
- Q When did the war close? A I can't tell you when I can't read or write and I didn't keep any memorandum.
- Q You don't know how long they had been in the Cherokee Nation or Indian Territory before you knew them? A No sir not before I knew him.
- Q Do you remember the name of his wife? A As near as I know her name was Mary.
- Q Who told you that? A She told me.
- Q How many years ago was it that you knew them? A I couldn't tell you.
- Q Twenty? A May be twenty maybe more or less.
- Q You don't know whether it was 20 or 40? A It aint 40.
- Q Do you think it was as much as 30? A I don't know, I will soon tell you to my best recollection about how long I have lived at the place. I have lived there 37 years and I suppose he come there about 5 or 6 years after I come there.
- Q You don't know where he went to after he left there? A No more than he said he was going to the nation.
- Q Did he say he was going back home? A That was my understanding.
- Q Do you remember the names of any other children besides Allen? A I believe he had one girl named Rettle.
- Q Is that the one that was married to Hazelrig? A I don't think so, I always called that one Mariah, I don't know whether it was the same or not.
- Q What year was they married? A I can't tell you I kept no memorandum.
- Q Your name is Jenkins? A Peter Jenkins, yes sir.

- Q Do you know this Mrs. Ware? A I do.
- Q How long have you known her? A About 37 years.
- Q How long did this man Riley live with the Wares? A I couldn't tell you that I didn't keep any track of them, come from Ware's house to mine.
- Q Do you remember the year they lived in Ware's house? A No sir.
- Q Had you thought of any of these things for 32 or 33 years until you got to talking them over with some one that was sent up there about this case? A I wouldn't -----
- Q You hadn't talked it over? A No sir, I was just telling them about the people.
- Q Or refreshed your memory? A No sir he didn't tell me anything he just questioned me about it.
- Q And you had forgotten it? A Yes sir, but I could recollect different things that had passed.
- Q Did you suggest the names to him of these Rileys or did he tell you? A He didn't suggest the names to me, he asked me if I could remember them and I studied it awhile and I told him I would study it over and let him know and the next day he came to me and asked me if I could recollect any of the names and I told him I believe one boy was named John, wasn't sure, and one was named Allen but they called him Beny.
- Q Was there one named John? A I don't know, I thought so.
- Q You are 61 years old? A Yes sir, but I never paid much attention to children.
- Q Do you still live in that neighborhood? A I am living in the same house I have been living in nearly 40 years.
- Q Can you recollect the names of the children of any other colored family that lived there 37 years ago? A I might a few.
- Q Just tell a few to the clerk here? A Jack Johnson's family was there when I come there, he had one boy named Green and one named Jim.
- Q Are they any relations to you? A Not a bit.
- Q Are they living there yet? A The old lady is there, one of the boys is dead and the other is out west.
- Q Do you recall any of the names of the colored people who lived there 30 years ago and moved away 20 years ago? A They were there but I can't recollect it.
- Q You remember the names of those who still live there better than those who moved away from there? A Yes sir.
- Q You recollect their names better? A Yes sir.

BY MR. HASTINGS:

- Q You know these people came to your place from this Ware place, and this Ware is the same woman that was on the stand before you?
- A Yes sir.
- Q You say you have lived at your place about 37 years? A Yes sir, in the same place I am living in.
- Q You said you had been living there four or five years before these people moved there? A Yes sir to the best of my knowledge it might be that length of time and it might be shorter.
- Q But that is your best judgment? A Yes sir.
- Q And they lived there a number of years did they? A Yes sir.
- Q And they all come away together, that is Tom Riley and his wife?
- A I can't swear to that because I knew the old man told me, I was talking with him and he says Mr. Jenkins I ain't going to be here very long I sold my house this morning and I says who is going to buy it and he says West is going to buy it and says he wants to know if you will let it stay on the ground and I says he can buy your time then he can make arrangements when it is up, and that is about the time he bought it and I don't know how long the old man stayed afterwards.

- Q How long did he live that near you there? A I told you I couldn't swear to it.
- Q What is your best judgment? A Between 10 and 12 years.
- Q Did you ever hear him say who he belonged to before the war?
- A Yes sir he told me that.
- Q Was did he say he belonged to? A Stand Watie I think it was.
- Q Nobody approached you and asked you about this on behalf of the Cherokee Nation, who asked you to make any other statements than the absolute truth has there? A No sir, besides it would not be worth while.
- Q They only asked you to tell what you know about it? A Yes sir.
- Q And that is all you have testified to? A Yes sir.

BY MR. MURPHY:

- Q This Tom Riley would go away from home and stay quite a little while at different times during the years he was there on your place? A He told me he was going to the nation once or twice, he didn't stay there long.
- Q You don't know what years that was? A No sir I couldn't tell about that.
- Q How long would he stay on these trips down in the nation? A About 30 days as near as I can tell.
- Q He made a number of these trips? A I couldn't tell once or twice he told me he was coming down but I couldn't tell how many trips.
- Q He told you about what he was doing down here? A No sir, I had no particular talk with him he said he had some children down here he wanted to see.
- Q Did he tell you about having a place to stop down here with his sister? A I don't recollect about that.
- Q Did he in the early part of the time you knew him? A No sir it was along I suppose 3 or 4 years after I got acquainted with him.
- Q You don't know how many times he had been coming before that or how long he would stay? A No sir.

JANE WILLIAMS, being first duly sworn, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A Jane Williams.
- Q What is your age? A I don't know exactly, about 57.
- Q What is your post office address? A Lawrence, Kansas.
- Q Was you living there during the war? A I came there just about the close of the war.
- Q Where did you come from? A From Fayetteville, Arkansas, I was born in Independence, Missouri.
- Q Did you know Tom Riley? A Yes sir.
- Q Did you know his wife? A Yes sir.
- Q When did you know them? A I couldn't exactly state the time but I knew them from about between ten and twelve years.
- Q Where did you know them? A Right in Lawrence.
- Q Did they live there? A Yes sir.
- Q How far did they live from you? A Just a fence between, I lived on the south side of the fence and they on the north.
- Q How long after the war when you first became acquainted with them? A Quite awhile after the war.
- Q About how many years after the war? A It must have been 6, 7, 8 or 10 years after the war, may be more than that.
- Q Do you know where they moved from when they moved to where you know them, or were they living there? A When I first knew them they lived at Mrs. Vares.
- Q And they moved from there to this place you speak of? A Yes sir.

- Q You can't place the exact time they moved there? A No sir.
- Q Do you know Mrs. Jenkins who just left the stand? A Yes sir.
- Q Was you and he ever married? A Yes sir.
- Q Was that the time you knew Rileys? A Yes sir.
- Q It was while you and Jenkins were living together? A Yes sir.
- Q Did you know the members of the Riley family? A Some of them.
- Q Did you know any of the boys names? A Yes sir all that lived there.
- Q What were their names? A Joe was the oldest.
- Q A boy? A Yes sir.
- Q Who was the next one? A Mariah.
- Q A boy or girl? A Girl.
- Q Was she ever married up there? A Yes sir.
- Q Who did she marry? A George Hazelrig.
- Q Still she lived there and you know her? A I think so I am not positive.
- Q Did you know any other boys? A Allen, called him Bony.
- Q Any other members of the family? A John and Rettie.
- Q What was the old lady's name? A Mary.
- Q What was the old man's name? A Thomas.
- Q Did you see him frequently? A Yes sir.
- Q Did you miss him from there during this ten or twelve years for any length of time? A No sir he come away from there before the old lady did, but I don't know just how long.
- Q How long before the old lady came? A I don't know perhaps a month or two months.
- Q Before leaving that time during this ten or twelve years did you ever miss him away from there any considerable length of time?
- A No sir.
- Q And he lived just across the fence from you? A Yes sir.
- Q And you knew him all this time? A Yes sir.
- Q You knew George Hazelrig and his wife? A Yes sir.
- Q Did they continue to live there after they were married? A Yes sir I think all the time, but it seems to me they moved from there but I am not sure.
- Q But you don't remember the exact dates when they moved away to and away from there? A No sir.
- Q Do you know what old man Riley did around there? A He shopped wood and did anything he could.
- Q Do you know whether he owned a house there or not? A He owned a house but not the lot.
- Q Did the lot belong to your husband? A He had charge of it, it belonged to another man, but he had charge of it.

BY MR. MURPHY:

- Q What was the year in which you first knew Tom Riley? A I don't know.
- Q Do you read and write? A No sir.
- Q You don't know where Tom Riley had lived before you knew him?
- A I heard he lived on Mud Creek but I don't know.
- Q How don't know how long he lived there? A No sir.
- Q He always called the nation his home didn't he? A Yes sir.
- Q And you knew that that was considered by him as his home? A Yes sir.
- Q You often heard him talk about it? A Yes sir.
- Q And his family? A Yes sir.
- Q And don't you remember of his coming down to the nation several times during the 10 or 12 years you knew him? A No sir I don't.

- Q If your former husband swore to that fact he would be mistaken?
A I couldn't say, likely he knew more about it than I did, I would be away from home.
- Q How often would you be away? A I would go out every day and come home at nights.
- Q He might have been gone to the nation and stayed there quite awhile and come back and you not have known it? A Certainly he could have.
- Q And he might have built a house down here and prepared to live here for aught you know? A Yes sir he might have.
- Q And he might have made several trips here during that time and you not known it? A Yes sir.
- Q But his family stayed there after he came the last time? A Yes sir.
- Q And they followed him? A Yes sir I suppose so.
- Q He had been away from there as much as a year before they come?
A Not that long that I know.
- Q But several months? A I know he was away.
- Q You know at that time that they come to the nation? A That is where they started.
- Q Was Tom Riley much of a hand to work or did his wife and children work? A He would go out and work sometimes for a week or two at a time.
- Q Didn't he run around a good deal? A I don't know about that.
- Q Did you know where he lived before he came to Kansas? A No sir.
- Q But you do know and so testify that he considered the Cherokee Nation his home? A Yes sir I suppose he come from there.
- Q And he talked about going home there? A Yes sir.
- Q And for aught you know he made several trips there and stayed quite a while? A Yes sir.

BY MR. HASTINGS:

- Q You never missed him for any length of time and if he made these trips you don't know it? A No sir.
- Q He was your neighbor living just across the fence, and if he come away you don't know it? A No sir I don't know anything about it if he come.

BY THE COMMISSION:

- Q Can you give the Commission an idea as to when you first knew him?
A No sir, I don't know as I can fix the date.
- Q When did you first come to Lawrence? A I have been there 40 years, I was there in Quantrell's raid.
- Q Where with reference to that now did you know Tom Riley and his family? A It was several years after that, they come there long after I was married to this man and was the mother of two or three children.
- Q You knew him up there how many years? A I think about ten or twelve years.
- Q They lived neighbors to you during that time? A Quite awhile, yes sir.
- Q And you would see the old man there at home? A Yes sir.
- Q You visited them and they visited you? A Yes sir sometimes.
- Q You say you don't know of his being to the Territory? A He started from there and said he was coming to the Territory.
- Q That was when they left there finally? A No sir, some before that.
- Q Do you know how long he was gone that time? A No sir not exactly, quite awhile but not long.

- Q What do you mean by quite awhile? A May be two or three months, and maybe not quite so long.
- Q Was that a short while before they left there coming here finally? A I think it was somewhere in the spring, I don't know.
- Q Did his family live in Lawrence all that time? A All the time he was gone.
- Q Mary Hazalrig live there? A Yes sir.

CHARLES W. GARRETT, being first duly sworn, testified as follows

BY MR. DAVENPORT:

- Q What is your name? A Charles W. Garrett.
- Q What is your age? A 54.
- Q What is your post office address? A Ottawa, Kansas.
- Q How long have you lived at Ottawa, Kansas? A Since 1870.
- Q Where did you live before going to Ottawa? A Lawrence, Kansas.
- Q What years did you live at Lawrence, Kansas? A From June, 1864, up to 1870.
- Q While living there did you get acquainted with a family named Riley? A I did.
- Q Did you learn what the old man's name was? A All I learned was Tom Riley.
- Q Where was the family living when you got acquainted with them? A They were on the Delaware reserve east of the town on Mud Creek.
- Q That was in what year that you first got acquainted with them? A I didn't become personally acquainted with the old man until 1866. I saw him before but I didn't become personally acquainted with him until 1866 or 1867.
- Q Do you remember the names of any other members of the family? A I remember a boy called Sonny, I don't know whether that was his name or not.
- Q Did you know any other members of the family? A We called a girl Mary the eldest girl and he had some other children.
- Q How far did you live from them at the time you got acquainted with the Riley family? A It must have been six or seven miles, we lived right near north Lawrence and they lived on the reserve, and it must have been six or eight miles from town.
- Q Was you ever at the reserve where they lived? A We lived on the reserve a couple of months but didn't get acquainted with them while we were there, and we didn't like it and moved out.
- Q What were the circumstances under which you got acquainted with the Riley family? A My brother-in-law and old man Riley bought some wood, they said they bought it and I guess they did, and they used to haul wood from the railroad right-of-way in the fall of 1866 and 1867 and that is how come me to get acquainted with the old man and the boy.
- Q How far is that right-of-way from where old man Riley and the family lived? A Not very far.
- Q About how far? A It may have been a couple of miles, I couldn't say exactly.
- Q How long did they continue to live there? A I left them there.
- Q When did you leave there? A I left there in the fall of 1870 and moved away.
- Q About how often would you be down to the Riley place where they lived? A We wasn't down to his house but about four or five times a week.
- Q Did you see the old man Riley when you was down there? A Yes sir he would be there we was cutting wood.

- Q You first recollect seeing the Riley family there in 1866 or 1867?
A Yes sir, but I knew of them before that.
- Q They were living there when you moved away in 1870? A Yes sir they lived in Lawrence.
- Q Had they moved from the reserve to town? A Yes sir on the south side of the river, I don't know exactly at what part of town.
- Q Do you know whether the old man was with the family when they moved to town? A Yes sir he lived there with them, I wasn't at his house but I saw him in town.
- Q What is your occupation Charlie? A I am now a common worker, preach sometimes, and am a cook, brick mason, and do most anything.
- Q You are a minister of the gospel? A Yes sir, preach sometimes.
- Q Do you know a colored preacher by the name of Smith up at Lawrence? A Yes sir, he lives in Coffeyville now, I guess he is the man.
- Q A colored preacher living in Lawrence several years ago? A Yes sir he wasn't a preacher in Lawrence but he come to be a preacher after that, I worked with him on the Union Pacific road handling ties.

BY MR. MURPHY:

- Q You hadn't gotten to preaching when you was in Lawrence? A No sir I wasn't ordained until about four years ago.
- Q How do you know it was in 1866 or 1867 when you got acquainted with them? A I know it was that date.
- Q What year was you born? A According to what my mother says in 1850, I got her word for it is all I know.
- Q How old was you when you come to Lawrence? A You can guess about how old I was.
- Q Don't you know? A When I became acquainted with him personally.
- Q How old was you then? A I was a young man, of course 17 or 18.
- Q Don't you remember how old you was? A I can count it and tell you.
- Q Don't you recollect it? A I said I was 17 or 18.
- Q When you first met him? A Yes sir.
- Q Then how long did you know him? A From then up until I left town.
- Q When did you leave town? A In 1870.
- Q How do you recall it was the winter of 1866 and 1867 when you first got acquainted with him? A We left that neighborhood in 1864 and I went to work right a way for a man there and I worked two years there before I come to town and after I come to town and started to school in 1866, and then we would go back and forth and help my brother-in-law get this timber on the reserve.
- Q What year did they get that? A In 1866 and 1867.
- Q Wasn't that after you went to school? A No sir.
- Q When did you come to town to go to school? A Right after the crops were laid by.
- Q What year? A 1866.
- Q Wasn't it the next year they bought the wood? A It was in the winter of 1866 and 1867.
- Q How do you know? A Because I know.
- Q Do you remember any other family you met in the winter of 1866 and 1867 besides the Rileys? A I don't know particular I was always meeting somebody.
- Q What makes you recall at the particular time you met the Rileys was in the winter of 1866 and 1867? A When I first become personally acquainted with them

- Q Though there isn't any date you fix it by? A I aint got any figures set down to that effect.
- Q Do you know how long ago it was of the year 1866? A It has been 34 years.
- Q And you knew them 34 years ago? A I knew them at that time.
- Q And that is the first you ever knew them is 34 years ago? A If I count it right it was somewhere about there.
- Q You don't fix it by any other fact? A I told you in the beginning that I knew of them and had seen the old man and his folks frequently passing but never come in contact as we are talking, but in the winter of 1866 and 1867 when my brother-in-law and him bought the wood on the right-of-way I went with them down there.
- Q What else happened in 1866? A I don't know what all.
- Q Can you recollect any fact that happened in 1866 and 1867 except buying this wood? A I might if I would go back and hunt it up things that I didn't pay any attention to, if my attention was called to it.
- Q Have you ever had any occasion to refresh your mind about what happened in 1866 and 1867 until your attention was called to it in the last few months? A Yes sir.
- Q What other time? A In 1876, if my memory serves me right, this here Bony Riley come in our neighborhood and stole a horse and went way down in Anderson County and sold it and my brother and I that is now a witness was a witness against him to prove the horse.
- Q How do you know that was in 1876? A It was Centennial year.
- Q Was you at the Centennial Exposition? A No sir I was at home in Ottawa.
- Q I believe you say that you lived there in 1870? A Yes sir.
- Q Where did you go then? A To Ottawa.
- Q Did you know Tom Riley after that time? A I saw Tom Riley coming through Ottawa.
- Q When? A He made a visit through there in 1871, I am not sure and I talked with him myself, and then I heard of him passing through again.
- Q Where was he going then? A Going to the Territory I suppose.
- Q Don't you know that when you first knew him he claimed the Cherokee Nation as his home? A I never heard him say so.
- Q Don't you know that this was his home? A No sir cause I was a boy and I never had much talk with the old man about where he was raised.
- Q You don't know of anything else that happened in 1866 and 1867 except the buying of that wood by Riley and your brother-in-law?
- A No sir that is all the attractions that I know of.

BY MR. DAVENPORT:

- Q What year was it you started to school? A I come to start to school in the fall of 1866.
- Q You had moved into that neighborhood in 1864? A My folks lived right in north Lawrence but me, I was working on a farm.
- Q You folks lived there in 1864? A Yes sir.
- Q And you went on a farm and worked two years and then started to school in the fall of 1866? A Yes sir.
- Q What fall was it that your brother-in-law and Riley bought the wood on the right-of-way with reference to the time you started to school? A In the same fall.

ANDREW GARRETT, being first duly sworn, testified as follows:

BY MR. DAVENPORT:

- Q What is your name? A Andrew Garrett.
- Q What is your post office address? A Ottawa, Kansas.
- Q What is your age? A 47 years.
- Q How long have you been living at Ottawa? A Ever since the spring of 1870.
- Q Where had you lived prior to that time? A Lawrence, Kansas.
- Q You are a brother to Charlie Garrett? A Yes sir.
- Q Do you know what time your family moved to Lawrence, Kansas?
- A Yes sir, in 1864.
- Q While you was living at Lawrence, Kansas, did you get acquainted with the family of colored people named Riley? A Part of them.
- Q What part of the family? A Thomas and Mary and one called Bony.
- Q Where were they living when you got acquainted with them? A When I first heard of them on the Delaware reservation, and when I first began to see them they were living somewhere near to n. in the town? A I don't just know whereabouts in town.
- Q Do you remember what year you first got acquainted with them?
- A About 1866.
- Q How long did you remain at Lawrence, Kansas? A We came away from there in 1870.
- Q Were the Rileys living there when you left there? A Yes sir, the young Rileys were.
- Q Which one? A Bony.
- Q Do you know where the daughter was? A I don't know much about the daughter.
- Q And you moved away from there to Ottawa in 1870? A Yes sir.
- Q How often did you see the old man Riley while you lived there?
- A Just from time to time, I don't know just how often.
- Q Do you know anything about when the Riley family moved away from Lawrence? A No sir.
- Q You moved away and left them there in 1870? A Yes sir.
- Q Do you know whether or not they were living in town at that time? A No sir.

BY MR. MURPHY:

- Q What year was you born in? A I am 47 years old.
- Q You don't know the year? A You figure up and see.
- Q Do you know? A I think about 1857.
- Q How old was you when you first knew the Rileys? A I was going on ten years old when I first heard of the Rileys.
- Q That was about 1867 then, how long did you know them? A We moved away from there in 1870.
- Q Then you knew them from 1867 to 1870? A I said from 1866, but we heard of them in 1864.
- Q Didn't you just testify that you learned of them when you was ten years old? A I said I was about nine years old.
- Q You testified a moment ago that you first heard of the Rileys or knew of the Rileys when you was between nine and ten years old and you say you was born in 1857 is that correct? A Yes sir, I guess so.
- Q How long was it between the time you first knew of them and when you got acquainted with them? A In 1866.
- Q How many months or years was it? A I don't know about the special months.
- Q Was it a year from the time you first knew of them? A I couldn't make that definite.
- Q About how long? A That is hard for a man to do.

- Q About how long from the time you first heard and knew of them until you got acquainted with them? A I guess from that time about 1866 or 1867.
- Q You don't know how many months it was? A No sir.
- Q Do you know anything about the years? A I told you about---
- Q Do you know how long it was? A I couldn't give you any definite time.
- Q What is your best recollection? A I told you when I first heard of them and when I first saw them I saw them from time to time up until I left the place and we moved from Lawrence in 1870.

BY THE COMMISSION:

- Q You claim you came to Lawrence in 1864? A Yes sir.
- Q And you have testified that you got acquainted with these parties in the winter of 1866 and 1867 you think, how long was it after you came to Lawrence before you heard of these people? A I heard of Tom Riley to my best judgment as I stated to you a bit ago in, I think, in the summer of 1864 after we got there, I didn't become acquainted with them until 1866 or 1867.

BY MR. MURPHY:

- Q What else happened in 1866 that you remember besides getting acquainted with the Rileys? A What does mean, in what direction
- Q Anything? A I don't know what did happen.
- Q Did you keep a record of the Rileys? A No sir.
- Q You have the same kind of a record of other things as you have of the Rileys? A If you tell me what you want to come at maybe it will come to my memory.
- Q Who else did you meet in 1866 besides the Rileys? A Lots of people.
- Q Tell me some of them? A I knew men around Lawrence by the name of Hill.
- Q What time in 1866 did you get acquainted with the Hills, do you know? A I said in 1866.
- Q What time of the year? A It was in the early part of 1866.
- Q You was how old then? A I have told my age to you.
- Q You was about nine years old do you tell this department that you can recollect who you get acquainted with when you was nine years old? A I said lots of things happened that I don't know anything about which didn't concern me.

NELSON F. GARR, being first duly sworn, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A Nelson F. Carr.
- Q What is your post office address? A Bartlesville.
- Q How old are you? A 60.
- Q You are a Cherokee citizen? A Yes sir.
- Q How long have you lived in the vicinity of Bartlesville? A 37 years.
- Q Do you live on the same place that you live on 37 years ago? A Yes sir.
- Q Do you know Mary Ann Riley? A Yes sir.
- Q Do you know her husband Tom Riley? A Yes sir.
- Q Do you know George Hazelrig and his wife? A George is dead, I did know him.
- Q Do you know his wife? A Yes sir.

- Q Did you know them before the war? A No sir.
- Q When did you first become acquainted with the Rileys? A When they moved into that settlement about 1860 or 1861, perhaps 1862, I couldn't say exactly.
- Q You think it was between 1860 and 1862? A Yes sir.
- Q How far did they settle from you on Caney? A A mile and half.
- Q Had they stayed anywhere in that neighborhood prior to that time? A Not that I know of, I didn't hear it.
- Q Is that the first place they settled in that neighborhood? A Yes sir.
- Q Do you remember the circumstance of their coming there? A Yes sir, the old gentleman, Thomas Riley made some boards for me in April or May of 1864, and that was a short time after they came there.
- Q Do you know where they come from when they came there and settled on that place within a mile and a half from you? A It was said that they come from Lawrence, Andy Daniels told me they did.
- Q Did they come along at the same time? A No sir they come in 1866.

BY MRS MURPHY:

- Q Did you know Thomas Riley before 1860? A No sir.
- Q Did you know of his building a log cabin up there in 1866 or 1867?
- A No sir.
- Q Did you ever talk with him about his old home having been in the Cherokee Nation before he came at this time? A Yes sir, he said he used to belong to Stand Watie.
- Q Was a slave of his? A Yes sir.
- Q Did he tell you that he had come to the Territory after the war?
- A No sir I never heard him say so.
- Q Didn't he claim to have returned to the Cherokee Nation after the war? A I never heard him say anything in regard to it.
- Q You knew he had relatives here before you knew him? A His first wife died there close to where I lived.
- Q What year was that? A It was before 1860 and his son died there.
- Q When? A Before Hazelrig moved into the settlement.
- Q And before Riley moved there? A Yes sir.
- Q About what year was it that Joe died? A It would be 1876 or 1877 I think.
- Q And his first wife what year did she die? A Before Joe died, it would be, I couldn't say exactly what year.
- Q Didn't he have a sister down in there? A I didn't know th this first wife, Hoo Riley's mother, and Mrs Andy Daniels mether, died there.
- Q Then he had lived in the Cherokee Nation before he came in 1860?
- A I couldn't tell you.
- Q He lived here when his wife died here? A No sir.
- Q Nor when his son died? A He had three wives.
- Q Where was he living when his first wife died? A I couldn't say it was before he came to the country.
- Q Where was he living when Joe died? A I couldn't tell you.
- Q You aren't testifying that he didn't come to the Cherokee Nation and live before you knew him in 1860? A No sir.
- Q Or he could have done so and you not know it? A Yes sir.
- Q Didn't he come here before his family came? A His wife that he lived with last came before he did, came with the Hazelrigs and he came a short time afterwards into that settlement.

- Q Wasn't he a sort of a rambling nature, running around the country and hunting and trapping? A I never knew him to.
- Q You don't know about his first coming here in 1866? A He didn't come into that country over there.

BY MR. HASTINGS:

- Q He had three wives did he? A Yes sir.
- Q One of them died up there about 1878 or 1879? A Yes sir.
- Q He wasn't around there then? A No sir.
- Q You never saw him about her place? A No sir never did.
- Q And your understanding was when he come there was in 1880 or 1882 that they were from Kansas? A Yes sir.

MR. HASTINGS: The Cherokee Nation offers in evidence a certified copy of the record of a replevin action brought by Thomas Mayfield vs. Moses White in Lawrence, Douglas County, Kansas, being an action for certain hogs in October, 1866, same is marked Exhibit "A."

The Cherokee Nation offers in evidence a certified copy of the record before Justice of Peace, George A. Banks, placing one George Hazelrig under a Peace Bond in Douglas County, Kansas, on the 20th day of December, 1869, same being marked Exhibit "B."

The Cherokee Nation offers in evidence a certified copy of the record of George A. Banks, Police Judge in the Town of Lawrence, Douglas County, Kansas, on October 9, 1870, fining one Tom Riley upon a charge of being caught in a house of ill fame, same being marked Exhibit "C."

The Cherokee Nation offers in evidence a certified copy of the record in the case of the City of Lawrence, Kansas, vs. George Hazelrig, charged and plead guilty to disturbing the peace on November 23, 1870, same being marked Exhibit "D."

The Cherokee Nation offers in evidence a certified copy of the record in the case of the City of Lawrence, Kansas, vs. George Hazelrig, charged with carrying concealed weapons and attention is called to this case to the fact that the record recites that one Joe Riley was a witness in said case and also upon the defendant, George Hazelrig's bond of June 6, 1871, same being marked Exhibit "E."

The representatives of the Cherokee Nation offer in evidence a certified copy of the Police Court record in the case of the City of Lawrence vs. George Hazelrig now being No. 690, charged with breach of the peace on June 19, 1871, and attention is invited in that case to the fact that Joe Riley was a witness, same being marked Exhibit "F."

The Cherokee Nation offers in evidence a certified copy of the Police Record of the City of Lawrence vs. Allen Riley, being case No. 35, wherein the said Allen Riley was charged with the violation of Ordinance No. 174 on December 2, 1872, the same being marked Exhibit "G."

The Cherokee Nation offers in evidence a certified copy of the record of the District Court of Douglas County, August term of 1873, being the case of the State of Kansas vs. Allen Riley, wherein the said Allen Riley was convicted of larceny, the same being marked Exhibit "H."

The Cherokee Nation offers in evidence a certified copy of the Police Court Records of the City of Lawrence in the case of the City of Lawrence vs. Joseph Riley, No. 562, charged with violating Ordinance No. 174, where in Joseph Riley is charged with co-habiting as man and wife with a woman and not being married. Attention is called to the fact that the records disclose that the parties were married and the case dismissed at the instance of the defendant July 21, 1873, same being marked Exhibit "I."

The Cherokee Nation offers in evidence a certified copy of the marriage license of George Hazalrig of Lawrence, Kansas, age 23 years, and Nancy J. M. Riley of Lawrence, Kansas, age 16, dated February 8, 1873, same being marked Exhibit "J."

The Cherokee Nation offers in evidence a certified copy of a subpoena issued from the State of Kansas, County of Douglas, commanding Tom Riley and Mary Ann Riley to appear as witnesses before the District Court on the 20th day of August, 1873, and the record in the same document showing that the same was served upon the said Thomas Riley and the Mary Ann Riley on the same date that the subpoena was issued, viz., August 19, 1873, same being marked Exhibit "K."

Q The Cherokee Nation offers in evidence a certified copy of the record of the District Court of Douglas County, Kansas, October term 1874 in the case of the State of Kansas vs. Allen Riley, No. 521, wherein the said Allen Riley is charged with grand larceny, same being marked Exhibit "L."

The Cherokee Nation offers in evidence a certified copy of the records of the Justice Court, George W. Smith, in the case of Thomas Riley vs. Jacob Hartz, Civil Action, No. 1391, being a civil action for debt filed on the 6th day of November, 1876, same being marked Exhibit "M."

The Cherokee Nation offers in evidence a certified copy of the Police Court Record of Lawrence, in the case of the City of Lawrence vs. Lou Riley, No. 1636, dated June 25, 1877, charging the said Lou Riley with wilfully and unlawfully disturbing the peace of one J. T. Estes, the same being marked Exhibit "N."

The Cherokee Nation offers in evidence a certified copy of a Civil Action, being No. 53, before Justice of the Peace, L. S. Steele, in the State of Kansas, Douglas County, being the case of Thomas Riley vs. C. Ware, filed on January 30, 1879, same being marked Exhibit "O."

The Cherokee Nation offers in evidence a certified copy of the Police Court Record in the case of the City of Lawrence vs. Allen Riley, charging the said Allen Riley on February 17, 1879, with the larceny of a looking glass and frame from John Anderson, same being marked Exhibit "P."

Q The Cherokee Nation offers in evidence a certified copy of the Police Court Record in the case of the City of Lawrence vs. Mary Jane Riley, charging the said Mary Jane Riley with the larceny of certain articles mentioned therein of which she was convicted on April 14, 1879, same being marked Exhibit "Q."

The Cherokee Nation offers in evidence a certified copy of the record of a civil action brought by Thomas Riley vs. J. H. Shimmons in the Justice Court before George W. Smith, in Douglas County, Kansas, dated the 7th day of May, 1878, same being marked Exhibit "R."

The Cherokee Nation offers in evidence a certified copy of the Police Court Record in the case of the City of Lawrence vs. George Hazelrig and Mrs. Tom Riley, charging them with violating Ordinance No. 114, being the larceny of some coal of date, November 21, 1879, same being marked Exhibit "S."

The Cherokee Nation offers in evidence a certified copy of the Police Court Record in the case of the City of Lawrence vs. Allen Riley of the larceny of personal property of the value of \$4.50, dated December 12, 1879, wherein the Court found the defendant guilty, the same being marked Exhibit "T."

The Cherokee Nation offers in evidence a certified copy of the record of the Police Court in the case of the City of Lawrence vs. Allen Riley charging him with carrying away the personal property of one Thomas Riley, being an overcoat of the value of \$3.00, January 9, 1880, same being marked Exhibit "U."

The Cherokee Nation offers in evidence a certified copy of the Justice of the Peace Court Record in the case of the State of Kansas vs. George Riley, dated July 22, 1881, same being marked Exhibit "V."

The Cherokee Nation offers in evidence a certified copy of the Police Court Record in the case of the City of Lawrence vs. George Hazelrig, dated November 19, 1881, charging the said George Hazelrig with being in a state of intoxication upon the street, wherein the said George Hazelrig was fined, same being marked Exhibit "W."

The Cherokee Nation offers in evidence a certified copy of the Police Court Record in the case of the City of Lawrence vs. Allen Riley, dated December 31, 1880, charging the said Allen Riley with the larceny of five iron fence castings to the value of fifty cents each, wherein the said Allen Riley pled guilty, the same being marked Exhibit "X."

The Cherokee Nation offers in evidence a certified copy of the records of the District Court of Douglas County, Kansas, in the case of the State of Kansas vs. Allen Riley, No. 711, wherein the said Allen Riley was convicted of Grand Larceny and sentenced to serve a year in the penitentiary of the State of Kansas on the 9th day of April, 1881, the same being marked Exhibit "Y."

BY MR. WRASBY:

The Attorneys for the applicants object to the introduction in evidence of each and every one of the instruments referred to above for the reason that the same are irrelevant, immaterial, and in no way wise pertain to the issues in this case.

BY THE COMMISSION:

Objections noted: Exhibits referred to will be filed with and made a part of the record in this case.

CASE CLOSED.

-0-

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

H. M. Vance

Subscribed and sworn to before me this 2nd day of January, 1908.

Charles S. Sawyer
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

A. J. M.

In the matter of the applications for the enrollment of Mary Ann Riley, et al., as Cherokee Freedmen, consolidating the applications of:

Mary Ann Riley,
Mary Hazelrig, et al.,
Mary Brown, et al.,

Cherokee Freedmen D 957,
Cherokee Freedmen D 987,
Cherokee Freedmen D 988.

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Mary Ann Riley for herself; by Mary Hazelrig for herself and children, William A., Jesse, Lacy, Alexander, Joseph E., James M. T., Jacob L. and Fred Hazelrig, and husband, George Hazelrig by intermarriage, but as the application for the enrollment of George Hazelrig as a Cherokee freedman by intermarriage, has been heretofore disposed of, he will not be embraced in this decision; and by Mary Brown for herself and minor children, Robert Lee and George R. Brown.

The evidence in this case shows that the applicants, Mary Ann Riley and Mary Hazelrig are mother and daughter, and were the slaves of a Cherokee citizen at the commencement of the Rebellion; that they were taken out of the Cherokee Nation during said Rebellion and did not return thereto and establish a residence therein, within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation. The other applicants herein are children and grandchildren of the applicant,

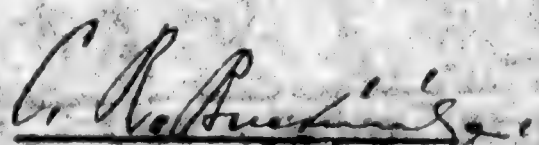
Mary Haselrig, were born since 1866, and possess no rights to enrollment other than as descendants of the said Mary Haselrig. None of the applicants herein can be identified on the Cherokee authenticated tribal roll of 1880, or the Cherokee census roll of 1896.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Mary Ann Riley, Mary Haselrig, William A. Haselrig, Jesse Haselrig, Lacy Haselrig, Alexander Haselrig, Joseph B. Haselrig, James H. T. Haselrig, Jacob L. Haselrig and Fred Haselrig, Mary Brown, Robert Lee Brown and George A. Brown, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 26, 1896, (30 Stat., 493), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES


Chairman


Commissioner


Commissioner

Dated at Muskogee, Indian Territory,

this FEB 13 1905

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAR 24 1902

[Handwritten Signature]
SPECIAL AGENT

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Mary A. Riley,
Bartlesville, I. T.
Cherokee-D-957
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Grand Jury

State of New York
County of ...
Grand Jury

That the ... of the ...
... of the ...
... of the ...
... of the ...

It is the ...
... of the ...
... of the ...

(S. 17.1)

(Signed) ...
Clerk

(C O P Y)

MARRIAGE LICENSE

)0)0)0)

State of Kansas)
County of Douglas)ss

LAWRENCE, KANS. Feb. 8, 1873

To any person authorized by law to perform the

MARRIAGE CEREMONY, GREETING:

You are hereby authorized to join in marriage

George Haselrig of Lawrence, Kansas, aged twenty-three years

and Nancy I. M. Riley of Lawrence, Kansas, aged sixteen years;

and of this license you will make due return to my office, within

thirty days.

(S E A L)

((Signed) John Q. A. Norton
Probate Judge

-o-o-o-o-k-o-o-o-o-o-o-o-o-o

(On Reverse Side)

STATE OF KANSAS)
COUNTY OF DOUGLAS)SS

I, Dudley Lee, do hereby certify that in accordance with the authority of the within license, I did on the 11th day of Feby A.D. 1873 at Lawrence Kansas, in said county, join and unite in marriage the within named George Haselrig and Nancy I. M. Riley,

Witness my hand and seal the day and year above written.

Dudley Lee

Minister of the Gospel.

(C O P Y)

IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS.

Oct. 28th,

11th Day

Oct. Term, 1874.

Court met pursuant to adjournment, present the same as on Oct. 27th. The Journal of Oct. 27th A.D. 1874 Read, approved and signed by the Court .

State of Kansas

521. vs.

Allen Riley.

Now comes the said defendant Allen Riley in his own proper person into open Court whereupon said defendant was informed by the Court that he was guilty of Grand Larceny as charged in the information and being inquired of by the Court if he had any legal cause to show why judgment should not be pronounced against him according to law and still failing to show such cause it is therefore sentenced and adjudged by the Court that the said defendant Allen Riley be taken hence to the County Jail of Douglas by the Sheriff of said County thence to the penitentiary of the State of Kansas and there be confined at hard labor for the period of Two and One-half years from the 28th day of October, A.D. 1874.

It is further considered and adjudged by the Court that the said defendant pay all costs in and about this suit in this behalf expended, taxed at \$ _____ and hereof let execution issue.

CERTIFICATE OF COPY

STATE OF KANSAS,)
) SS
County of Douglas)

I Adaline Hornor, Clerk of the District Court in and for said county and state, do hereby certify that the above and foregoing is a true and complete copy of the original judgment and sentence in cause No. 521 State of Kansas vs. Allen Riley, as the same now appears of record and on file in my office, Journal G. Page 507 and 508.

Witness my hand and the seal of said court affixed at my office in the City of Lawrence this 24th day of September A. D. 1904.

(S E A L)

(Signed) Adaline Hornor
Clerk

(COPY)

STATE OF KANSAS,
County of Douglas,

In Justice 's Court before GEO. W. SMITH
Justice of the Peace in and for Lawrence
Township, in the County and State afore-
said.

Thomas Riley Plaintiff
Versus Civil Action

No. 1391.

Jacob Hartz Now comes the ~~xxx~~ Plaintiff, this 6 day

<u>JUSTICE'S FEES</u>		of Nov. A.D. 1876, and files his bill
Index Title and No	30	of particulars, praying judgment against
Issuing Summons	50	the defendant for the sum of 50/100
Docket Entries	40	Dollars as therein set forth.
Swear 1 Witnesses	10	Nov. 6 76 Summons issued ret Nov 11 76 at
Filing 2 Papers	10	9 Am. Nov 6 86 Summons served by copy Fee 60
Trial by Justice	50	A. J. Phillips Const.
Rendering Judgment	25	Nov 11 76 Plff appears deft does not ap-
Entering Judgment	25	pear at the hour ofr for one hour there-
Satisfaction Judgment	25	after. Plff sworn & examined. It is
	2.65	therefore considered ordered and adjudged
<u>CONSTABLE'S FEES</u>		that Plff do have and recover of Deft
Serving Summons	25	the sum of .50 cts. for work and labor
Mileage Miles	20	and his costs herein taxed at \$3.25/100.
Copy	15	Geo. W. Smith J. Peace .
		Nov. 22 1876 Execution issued
		Nov. 22 1876 Execution returned unsatis-
		fied fee 50 cts. A. J. Phillips Const.

(Page 1391 Civil Docket No. 4)
State of Kansas, County of Douglas, SS

I, James Brooks, Justice of the peace, in and for Lawrence Township, said County and state hereby certify that the foregoing is a true copy of the proceedings had in an action wherein Thomas Riley was Plaintiff and Jacob Hartz was defendant, in action No. 1391 in Civil Docket No. 4, at page 1391, now on file in my office, and in my possession.

Given under my hand at my office in Lawrence, Kansas, this 28th day of September 1904.

(Signed) James Brooks
Justice of the Peace.

(COPY)

IN THE DISTRICT COURT OF DOUGLAS COUNTY , KANSAS.

August 20th, 3rd Day, August Term, 1873

Court met pursuant to adjournment, present the same as Yesterday. The Journal of August 19th, 1873 read, approved and signed by the Court.

State of Kansas, Plfff.

486. vs.

Allen Riley, Defdt.

Now this day came the said plaintiff by Geo. J. Barker, Esq., County Attorney, also came the said defendants Allen Riley in his own proper person and by his attorney, N. J. Borghotthaus, Esq. and defendant having been arraigned upon the information herein and plead "Not Guilty" in manner and form as therein charged.

Whereupon to try said cause came the following jury to wit: Geo. W. Fitz, P. A. Simmons, William Petefish, C. A. Pease, James Doyle, James Means, Daniel Cheney, D. K. Lowe, H. J. Canniff, C. J. Cartwright, William Keyes and A. S. Anderson, twelve good and lawful men from the body of the County of Douglas, who were first duly empaneled and sworn to try said cause.

Whereupon said cause came on to be heard upon the evidence and the Jury having heard all the evidence in the case and the arguments of counsel and the charge of the Court retired to their room under charge of Joseph Cracklin a duly sworn officer to consider of their verdict.

Whereupon after deliberation came said Jury into open Court and returned their verdict in words and figures following to wit:

"We the Jury find the Defendant Allen Riley guilty of larceny as charged in the information and we further find the property taken to be of the value of \$290."

"C.A. Pease," "Foreman"

(COPY)

Docket No. from 1868 to 1871, Page 345.

City of Lawrence)
) Vs .) SS.
) No. 597 In house of ill fame.
Thos Riley)

Oct. 9 1870 Complaint filed on oath of ~~John~~ James
that at said City on said day, said deft. was found in a house
of ill fame. Issued an order for his arrest and delivered same,
Andrew ~~James~~ James Marshall who returned same on same day with
the body of Defen ant. Trial had. Defendant admitted the com-
plaint as charged. Thereupon it is ordered and adjudged that
he pay a fine of Ten Dollars and the costs herein and that he
stand committed until the same is paid.
In default of payment Deft. was committed.

Geo. A. Banks,
Police Judge

CERTIFICATE OF COPY.

STATE OF KANSAS)
) SS.
County of Douglas,)

I Adalune Horner, Clerk of the District
Court in and for said county and state, do hereby certify that
the above and foregoing is a true and complete copy of the
Police Judge's docket,
as the same now appears of record and on file in Police Court of
the City of Lawrence which record I have now before me.

Witness my hand and the seal of said court affixed at my
office in the City of Lawrence this 12th day of November, A. D.
1904 .

(Signed Adalune Horner Clerk.

(COPY)

Docket No. _____ from 1868 to 1871, Page 379.

City of Lawrence)
) No. 862 Disturbances.
))
Geo. Hazelrig.)

Nov. 24, 1870. Complaint filed on oath of Andrew James that at said City on Nov. 23, 1870, said Deft. did disturb the peace.

Issued an order for his arrest and delivered same to Andrew James Marshall who returned same on same day with the body of deft., City Attorney appeared. Trial had. Deft. plead guilty as charged. Thereupon it is ordered and adjudged that he pay a fine of One dollar and costs herein, and that he stand committed until the same be paid.

Deft. paid and was discharged.

Geo. A. Banks

Police Judge.

CERTIFICATE OF COPY.

STATE OF KANSAS,)
) SS
County of Douglas,)

I Adaline Hornor, Clerk of the District Court in and for said county and state, do hereby certify that the above and foregoing is a true and complete copy of the Police Judge's docket, as the same now appears of record and on file in Police Court of the City of Lawrence, which record I have now before me.

Witness my hand and the seal of said court affixed at my office in the City of Lawrence this 12th day of November;

A. D. 1904.
(S E A L)

(Signed) Adaline Hornor
Clerk

The City of Lawrence)
 Vs.) No. 691
 George Hazelrig) Carrying concealed weapons.
 Court held June 9, 1871

June 6, 1871. Complaint made on oath of J. W. Wright, Deputy Marshall alleging in substance that at said City on or about June 4th, 1871, Defendant carried on his person a deadly weapon concealed. Known as a revolver contrary to an ordinance of the City. Court thereupon issued a warrant for arrest of Deft. Served and returned June 9, 1871 by said Deputy Marshall June 9th, 1871, with defendant in custody.

June 6, 1871. Court issued a subpoena for Joseph Riley and Joseph Brewer which was served and returned by said deputy June 8th 1871, Witnesses present and case being called and Defendant being arraigned and pleaded Guilty. The Court adjudged the Deft. to pay a fine of \$1.00 and the costs of prosecution taxed at \$7.90 and all subsequent costs accruing herein and to stand committed until the same be paid.

Geo. Hazelrig and Joseph Riley entered into a bond for the surrender of Defendant or payment of fine and costs on or before June 22, 1871, at 2 o'clock P. M. Bond accepted and Defendant discharged therein.

C. J. Lewis

Police Judge.

CERTIFICATE OF COPY

STATE OF KANSAS)
) SS
 County of Douglas.)

I Adaline Horner, Clerk of the District Court in and for said county and state, do hereby certify that the above and foregoing is a true and complete copy of the Police Judge's docket, as the same now appears of record and on file in Police Court of the City of Lawrence, which record I have now before me.

Witness my hand and the seal of said Court affixed at my office in the City of Lawrence this 12th day of November, A.D. 1904.

(Signed) Adaline Horner

(S E A L)

Clerk

(C O P Y)

Docket No. _____ Police Court records, 1872 to 1874

Page 312.

State of Kansas)
County of Douglas)) SS

In the Police Court within and for the City of Lawrence,
Douglas County, Kansas, before Geo. W. Smith, Judge.,
July 21, 1873.

City of Lawrence)
Vs.) No. 562
Joseph Riley) Violation of Ordinance No. 174.

July 21, 1873, Complaint on oath of Lucinea Terrill filed
charging that at the said City, on or about the 20th day of July,
A.D., 1873, Joseph Riley did abide and cohabit with affiant as
husband and wife not being married to each other contrary to
the ordinance No 174 entitled an ordinance relating to misdeme an-
ors, approved Oct. 23, 1872.

July 21, Warrant issued and returned same day and
executed by bringing Joseph Riley into Court.

William Brockelsby
City Police

July 21, Joseph Riley arraigned and plead guilty to the
charge.

Parties married and case dismissed at cost of Defendant

George W. Smith
Police Judge.

(2)

CERTIFICATE OF COPY

STATE OF KANSAS)
)SS
County of Douglas)

I, Adaline Hornor, Clerk of the District Court in and for said county and state, do hereby certify that the above and foregoing is a true and complete copy of the Police Judge's docket, as the same now appears of record and on file in the police court of the city of Lawrence, which record I have now before me.

Witness my hand and the seal of said court affixed at my office in the City of Lawrence this 12th day of November A D 1894

(Signed) Adaline Hornor
Clerk

State of Kansas,)
) SS.
County of Douglas)

In the Police Court, within and for the City of
Lawrence, Douglas County, Kansas, before James Christian, Judge,
December 2nd, A.D., 1872

City of Lawrence)
 Vs.)
) No. 35b
Allen Riley) Violation of Ordinance No. 174.

December 2nd, 1872, Complaint on oath of John Johnson filed,
charging that at the said City, on or about the Thirtieth day
of November, A. D. 1872, One Allen Riley did unlawfully break into
and enter a public building in this city, to-wit: The Central
School on the corner of Kentucky and Warren streets with the in-
tention of stealing articles of value therein, and did steal,
take and carry away a quantity of school books, slate pencils,
and other articles of the value of Fifteen Dollars, contrary to
the provisions of Ordinance No. 174, approved Oct. 23rd, 1872.

December 2nd, 1872, Issued a warrant for the arrest of
the said Allen Riley, returnable forthwith.

December 2nd, 1872, Warrant returned served as follows. Re-
ceived this writ, December 2nd, 1872, Executed the same by bringing
the within named Allen Riley into Court.

F. N. Reesley, Marshal
by E. B. Harris

December 2nd, 1872 Parties appeared, Defendant being duly
arraigned and the complaint distinctly read over to him. Plead
guilty.

It is therefore adjudged by the Court that the Defendant pay
a fine of Fifty Dollars and the costs of this prosecution taxed
at \$7.10 and stand committed until said fine and costs are paid.
Defendant committed to County Jail.

(S P A L)

James Christian
Police Judge

(2)

CERTIFICATE OF COPY

State of Kansas)
)SS
County of Douglas)

I Adaline Hornor, Clerk of the District Court in and for said county and state, do hereby certify that the above and foregoing is a true and complete copy of the Police Judge's docket as the same now appears of record and on file in Police Court of the City of Lawrence, record I have now before me.

Witness my hand and the seal of said court affixed at my office in the City of Lawrence this 12th day of November, A. D. 1904.

(S E A L)

(Signed) Adaline Hornor
Clerk

(Copy)

State of Kansas)
County of Douglas.)

In the Police Court, within and for the City of
Lawrence, Douglas County, Kansas, before Geo. Schmitt, Judge.
June 25, 1877.

City of Lawrence)
Vs.) No. 1636
Lou Riley) Violation of Ordinance 36

June 25, 1877, Complaint on oath of J. P. Pstas , police-
man filed charging that at the said City , on or about the 24th
day of June, A. D. 1877, one Lou Riley did wilfully and unlaw-
fully disturb the peace of others and of affiant by violent and
offensive conduct and by loud and unusual noises calculated to
provoke a breach of the peace, contrary to the provisions of
ordinance No. 36 of the ordinances of said City entitled "an
ordinance to prevent disturbance of the peace, approved June 12,
1863.

Defendant arrested. Trial had. Plea of guilty entered .
and Defendant sentenced to pay a fine of \$1.00 and costs herein
taxed at \$6.30 and that she stand committed until paid.

In default of payment she was committed.

Geo. W. Schmitt

-----Police-Judge.-----

CERTIFICATE OF COPY

STATE OF KANSAS)
)SS
County of Douglas)

I, Adaline Hornor, Clerk of the District Court in and for said county and state, do hereby certify that the above and foregoing is a true and complete copy of the Police judge's docket, as the same now appears of record and on file in the Police Court of the City of Lawrence, which record I have now before me.

Witness my hand and the seal of said court affixed at my office in the City of Lawrence this 12th day of November, A. D. 1904.

(S E A L)

(Signed)

Adaline Hornor
Clerk

(COPY)

Docket 4, Police Court, Page 281.

City of Lawrence

Vs.

In Police Court before L. S. Steele,

Allen Riley.

Police Judge, July 17, 1879 .

Number 51, Violation of Ord. 174

February 17, 1879, complaint on oath of John Anderson filed charging that at the city of Lawrence on or about the 14th day of February, 1879 one Allen Riley did unlawfully willfully and feloniously steal, take and carry away one looking glass and frame of the value of One Dollar of the goods and chattels and personal property of the said John Anderson then and there being contrary to the provisions of ordinance No. 174 of the ordinances of said City entitled "An ordinance concerning misdemeanors, approved Oct. 2nd, 1872 in said case made and provided.

Feb. 1879. Defendant arrested and arraigned to the facts charged pleaded not guilty. Trial had. John Anderson sworn for Plaintiff. Defendant makes his statement. The court finds Defendant guilty and sentenced him to pay a fine of \$5.00 and costs, \$7.50 and stand committed until paid. In default he was committed to County Jail.

L. S. Steele
Police Judge.

CERTIFICATE OF COPY

STATE OF KANSAS)

) SS.

County of Douglas,)

I, Adaline Hornor, Clerk of the District Court in and for said county and state, do hereby certify that the above and foregoing is a true and complete copy of the Police Judge's docket, as the same now appears of record and on file in Police Court of the City of Lawrence, which record I have now before me.

Witness my hand and the seal of said court affixed at my office in the City of Lawrence this 12th day of November, A.D. 1904:

(Signed) Adaline Hornor
Clerk

(S E A L)

CERTIFICATE OF COPY

STATE OF KANSAS)
)SS
County of Douglas)

I, Adaline Hornor, Clerk of the District Court in and for said county and state, do hereby certify that the above and for point is a true and complete copy of the Police Judge's docket, as the same now appears of record and on file in Police Court of the City of Lawrence which record I have now before me.

Witness my hand and the seal of said court affixed at my office in the City of Lawrence this 12th day of November, A. D. 1904.

(Signed) Adaline Hornor .

(S E A L)

Clerk.

(COPY)

STATE OF KANSAS,
COUNTY OF DOUGLAS,

In Justice's Court before GEO. W. SMITH
Justice of the Peace in and for Lawrence Town-
ship, in the County and State aforesaid.

Thomas Riley Plaintiff

Versus

Civil Action

J. H. Shimmons Defendant

No. 1837

Justice's Fees

Index Title & No. 30
Issuing Summons 50
Docket Entries 30
Affidavit 25
Filing papers 10
Satisfaction
judgment 20
1.70

Now comes the Plaintiff, this 7 day of
May A.D. 1878, and filed his bill of par-
ticulars, praying judgment against the
defendant for the possession of one ave-
val 1 00/00 Dollars as therein set forth.
Aff filed & Bond in replevin.
May 7, 78 Writ of replevin issued May 10,
78 9 am.

CONSTABLES FEES

Serving Summons 50

May 7 78 Writ ret Served by copy.
Property demanded & possession refused
Fee 50 cts. C. C. James
May 10 78 Plaintiff fails to appear &
dismissed at his cost taxed at \$2.20

Geo. W. Smith J.P.

(Page 1837 Civil Docket No.4)

State of Kansas SS
County of Douglas,

I, James Brooks Justice of the Peace, in and for Law-
rence Township, said County and State, hereby certify that the
foregoing is a true copy of the proceedings had in an action
wherein Thomas Riley was plaintiff and J. H. Shimmons was defend-
ant, as the same appears of record in action No. 1837 in Civil
Docket No. 4, at page 1837, now on file in my office and in my
possession.

Given under my hand at my office in Lawrence, Kansas
this 28th day of September, 1904.

(Signed) James Brooks
Justice of the Peace

(COPY)

Docket No. 4, Police Court, Page 406

In Police Court before L. S. Steele, Police Judge.

City of Lawrence)
Vs.) No. 295
)
Geo. Hazelrig and) Violation of Ordinance No. 114
Mrs. Thos. Riley)

November 21st, 1879, Complaint on oath by C. A. Edwards filed charging that on or about the 20th day of November, 1879, once Thomas Riley did take, steal and carry away personal property of affiant: to-wit: Williamsburg coal of the value of Sixty cents contrary to the provision of the Ordinances of said City in such cases made and provided.

Warrant issued

Nov. 25, 1879, Defendant arrested, plead guilty and was adjudged to pay a fine of One dollar and costs taxed at \$6.20 and stand committed until paid. On default of payment he was committed.

L. S. Steele
Police Judge

CERTIFICATE OF COPY

STATE OF KANSAS)
)SS
County of Douglas)

I, Adaline Hornor, Clerk of the District Court in and for said county and state, do hereby certify that the above and foregoing is a true and complete copy of the original Police Judge's docket as the same now appears of record and on file in Police Court of the City of Lawrence, which record I have now before me.

Witness my hand and the seal of said court affixed at my office in the City of Lawrence this 12th day of November, A. D. 1904.

(S E A L)

(Signed) Adaline Hornor
Clerk

City of Lawrence)

Vs.)

Allen Riley)

In Police Court before L. S. Steele,
Police Judge for the City of Lawrence.

Violation of ordinance 174 .

December the 12th, 1879. Complaint on oath of J.P. Ross
filed charging that on or about the 5th of December, 1879 , one
Allen Riley did steal and take and carry away personal property
of affiant, To-wit: One porch chair of the value of Four and
One-half Dollars One rubber mat of the value of Three and one-
half Dollars. Of the aggregate value of \$8.00 Contrary to the
provisions of the ordinances of said City in such cases made
and provided.

Defendant was arrested and arraigned to the facts
charged Plead not guilty. John Ross, Hull Fugate, and E. J. Thompa-
son answered for the Plaintiff, and Allen Riley and Miss Carmacher
swore for Defendant. The Court found Defendant guilty and he
was adjudged to pay a fine of \$5.00 and costs taxed at \$9.00
and stand committed until fine and costs are fully paid. In
default of payment he was committed to County Jail.

L. S. Steele,
Police Judge

CERTIFICATE OF COPY

STATE OF KANSAS)

County of Douglas)

SS

I, Adaline Horner, Clerk of the District Court
in and for said county and state, do hereby certify that the above
and foregoing is a true and complete copy of the Police Judge's
docket as the same now appears of record and on file in the Police
Court of the City of Lawrence, which record I have now before me
Witness my hand and the seal of said court affixed at my
office in the City of Lawrence this 12th day of November, A. D.

1904.
(S E A L)

(Signed) Adaline Horner
Clerk

(COPY)

IN Justice Court Before Justice of the Peace
City of Lawrence, Douglas County, State of Kansas.

The State of Kansas,

vs.

Criminal Action.

George Hazelrig

July 22, 1881 Complaint filed in writing on oath

(Book A L. S. Steele, Page 22)

State of Kansas :
 :SS
County of Douglas :

I James Brooks, Justice of the Peace, in and for Lawrence Township, Said County and State, hereby certify that the foregoing is a true copy of the proceedings had in an action wherein the State of Kansas was Plaintiff and George Hazelrig was defendant as the same appears of record in Book "A" (L. S. Steele) page 22, Criminal Docket, now on file in my office and in my possession.

Given under my hand at my office in Lawrence Kansas, this 28th day of September, 1904. (Signed) James Brooks
Justice of the Peace

STATE OF KANSAS)

Douglas County)

SS

I, Geo. D. Flory County Clerk and Clerk of Commissioner's Court in and for the County and State aforesaid, hereby certify that James Brooks whose name appears to the foregoing instrument was, at the time stated in said instrument a Justice of the Peace duly authorized to administer oaths and take acknowledgements according to the laws of the State of Kansas, and that his signature is genuine.

Witness my hand and the seal of said Court, this 28th day of September, 1904.

(S F A L)

(Signed) Geo. D. Flory
County Clerk

Docket 4, Police Court, Page 431

In Police Court before L. S. Steele, Police Judge,
Lawrence, Douglas County, Kansas.

City of Lawrence)
vs.) No. 347. Violation of Ord. No. 174.
Allen Riley)

Jan'y. 9, 1880, Complaint on oath of James Casey, filed charging that at the County of Douglas, City of Lawrence, on or about the 8th day of January, 1880, Allen Riley did take, steal and carry away personal property of one Thomas Riley, to-wit: One overcoat, brown color, and of the value of Three Dollars.

January 9, 1880. Warrant issued and returned January 16th 1880. Plea of not guilty entered. Trial had. James Casey and Thos. Riley sworn for Plaintiff. I find defendant guilty and adjudge him to pay a fine of \$5.00 and costs taxed at \$9.00 and stand committed until fine and costs are paid

In default of payment he was committed.

L. S. Steele
Police Judge

CERTIFICATE OF COPY

STATE OF KANSAS,
County of Douglas }

I, Adaline Hornor, Clerk of the District Court in and for said county and state, do hereby certify that the above and foregoing is a true and complete copy of the Police Judge's docket, as the same now appears of record and on file in the Police Court of the City of Lawrence, which record I have now before me.

Witness my hand and the seal of said court affixed at my office in the City of Lawrence this 12th day of November

A. D. 1904

(Signed) Adaline Hornor
Clerk

(S E A L)

State of Kansas)
)SS
County of Douglas)

In the Police Court within and for the City of Lawrence,
Douglas County, Kansas, before Chas. Chadwick, Police Judge
November, 19, 1881.

City of Lawrence)
) Vs.) No. 136
George Hazelrig,) In violation of Ordinance 32

Complaint on oath of Chas. T. K. Prentice, filed, charging that at the said City, on or about the nineteenth day of November, A. D., 1881. One George Hazelrig was unlawfully upon the street in a state of intoxication and thereupon I issued a warrant for the arrest of said George Hazelrig which in the same day was returned by C. T. K. Prentice City Marshall with the Defendant in custody in court who was arraigned and entered a plea of guilty and was thereupon adjudged guilty and required to pay a fine of Two Dollars and Six Dollars and Fifty cents costs and to be committed till paid; and thereupon Defendant paid the fine and costs and was discharged

Chas Chadwick
Police Judge

STATE OF KANSAS) CERTIFICATE OF COPY
)SS
County of Douglas)

I, Adaline Hornor, Clerk of the District Court in and for said county and state, do hereby certify that the above and foregoing is a true and complete copy of the Police Judge's docket, as the same now appears of record and on file in the Police Court of the city of Lawrence, which record I have now before me.

Witness my hand and the seal of said court affixed at my office in the City of Lawrence this 12th day of November, A. D. 1904.

(S E A L)

(Signed) Adaline Hornor
Clerk

(C O P Y)

IN THE DISTRICT COURT OF DOUGLAS COUNTY, KANSAS.

April 19th, 1881,

April Term, 1881

Court met pursuant to adjournment on this the 19th day of April 1881.

Present: Hon. N. T. Stephens, Judge ; M. Summerfield, Clerk; H. B. Asher, Sheriff.

The following proceedings were had:

State of Kansas,

711. vs .

Allen Riley.

Now comes the said defendant Allen Riley in his own proper person into open court, whereupon said defendant was informed by the Court that he had plead guilty of Grand Larceny as charged in the information; and being inquired of by the Court if he had any legal cause to show why judgment shall not be pronounced against him according to law, and the said defendant still failing to show such cause, it is therefore ordered, sentenced and adjudged by the Court that the said defendant Allen Riley be taken hence to the County Jail of the County of Douglas, State of Kansas, by the Sheriff of said county, thence to the penitentiary of the State of Kansas and there be confined at hard labor for the period of one (1) year from the 19th day of April, 1881.

It is further ordered and adjudged that the defendant pay all costs in and about this action in this behalf expenced taxed at \$_____ and hereof let execution issue.

(2)

(C O P Y)

CERTIFICATE OF COPY

STATE OF KANSAS)
) SS
County of Douglas }

I Adaline Hornor, Clerk of the District Court in and for said county and state, do hereby certify that the above and foregoing is a true and complete copy of the original judgment and sentence of the court in cause No. 711, State of Kansas vs. Allen Riley, as the same now appears of record and on file in my office, Journal K. Page 299.

Witness my hand and the seal of said court affixed at my office in the City of Lawrence this 24th day of September A. D. 1904.

(Signed) Adaline Hornor
Clerk.

I (S E A L)

(COPY)

Thomas Riley :
No. 451 vs. : Replevin
Moses White :

Oct. 20th 1865 Plaintiff by his attorneys Hendry & Akin filed his Bill of particulars, which is in substance as follows:

Thomas Riley, Plff.) Bill of Particulars, before F.D. Ladd, J.P.
vs.)
Moses White, Deft.) of Lawrence City, Douglas County, Kansas.

Plaintiff claims a judgment against the said defendant for the return of the following described swine, which the said defendant unlawfully detains from said plaintiff to-wit: One large sow, one barrow, and seven pigs or shoats, or Twenty-five Dollars, the value of said swine.

Hendry & Akin, Attys for Plff.

Plaintiff also made and filed his affidavit for a writ of replevin.

Issues a writ of replevin for the above described property and a summons returnable Oct. 24, 1865, at 1 o'clock P.M. and delivered same to W.L.G. Soule City Marshall.

Oct. 21, 1865 Writ of Replevin and Summons returned endorsed "Oct. 21, 1865, I replevied the goods and chattels within described, caused the same to be appraised as per schedule hereto attached, the plaintiff failed to give a replevin undertaking according to law and I redelivered the property to the defendant. Also Oct. 21, 1865.

Served by delivering a certified copy of this writ and endorsements thereon to the defendant.

20 15 10 50 1.00 25
Fees Service Copy travel Appraisal appraisers fees summons - \$25.50

Wm. L.G. Soule, City Marshall.

Oct. 24, 1865 Parties appeared. At request of plaintiff and by consent adjourned to Oct. 28, 1865, at 9 o'clock A.M.

(C O P Y)

State of Kansas)
County of Douglas,) ss

Fees

J.P. 3.65

Const. 2.00
15.65

I hereby certify that the annexed are all of the papers filed before me in the action therein entitled with the recognizance of defendant and statement of costs.

Witness my hand this Dec. 20, 1869.

Geo. A. Banks, J. Peace.

The State of Kansas, County of Douglas, ss.

Be it remembered that on the 20th day of December A.D., 1869 Geo. Hazelrig and personally appeared before me, Geo. A. Banks, one of the Justices of the Peace in and for the County aforesaid and jointly and severally acknowledged themselves to own the State of Kansas the sum of Three Hundred Dollars, to be levied of their goods and chattels, lands and tenements, if default be made in the condition following, to wit:

THE CONDITION OF THIS RECOGNIZANCE is such, that if the above bounded Geo. Hazelrig shall personally be and appear before the District Court, on the first day of the term thereof, next to be holden in and for the County aforesaid, then and there to answer to the charge of making threats and abide the order of the Court therein, and in the meantime to keep the peace and be of good behavior towards the citizens of the state Generally, and especially towards Nelson Thompson then this recognizance to be void; otherwise to be and remain in full force and virtue in law.

his
Geo. X Hazelrig
mark

O. Q. Pickens

Taken and acknowledged before me, and surety approved the day and year first above written.

Geo. A. Banks, J.P.

State Warrant.

State of Kansas, County of Douglas, ss:

To the Marshall of the City of Lawrence, said County or of said County, Greeting:

Whereas Complaint has been made before me, one of the Justices of the Peace in and for the County aforesaid upon the oath of Nelson Thompson that George Hazelrig late of said County aforesaid, did , on or about the 13th day of December A. D. 1869, at the County of Douglas aforesaid, threaten to beat, wound & kill said complainant and that said complainant is afraid said Hazelrig will carry his said threat into execution.

These are therefore to Command You To take the said Geo. Hazelrig if he be found in your County; of if he shall have fled, that you pursue after the said Geo. Hazelrig into any other County within this State, and take and safely keep the said Geo. Hazelrig so that you have his body forthwith before me or some other Justice to answer the said complaint, and be further dealt with according to law.

Given under My Hand, the 14th day of December A.D., 1869

Geo. A. Banks, J.P.

Dec. 13th, 1869. Received this writ and served the same Dec. 20th by arresting the within named Geo. Hazelrig and have his body now before this Court.

Chas. E. Cook, Dept. Marshall.

Fees:	Service	25
	Travel	50
	Into Court	25
	Attendance	1.00
		<u>2.00</u>

Douglas County, ss.

Nelson Thompson of said County being duly sworn deposes and says, that at divers times within the last twenty days, one George Hazelrig of the City of Lawrence in said County

(5)

and that the said George Hazelrig, ^{did} on the night of the 13th inst. threaten to beat wound & kill deponent, and that the said George Hazelrig, on the night last aforesaid, having in his hand a deadly weapon, viz. a razor, at the city aforesaid, did him the said Nelson Thompson assault & threaten to kill by cutting out the heart of him the said Nelson Thompson and that he is a rascal he will carry his said threat into execution. Wherefore this deponent prays that the said offender may be bound by recognizance to answer the said offense at the next term of the District Court to be held in said county.

his
Nelson X Thompson
mark

Sworn to before me this 14th day of Dec. 1869.

Geo. A. Banks, J.P.

(Endorsements)

No 377

State of Kansas, vs. George Hazelrig.

Filed Dec. 14, 1869,

Bond to keep the Peace.

Witnesses for State:

Charles Henderson,

Dec. McWilliams,

Mrs. Hazelrig

Florence Smart, white woman.

Filed Decem 21, st, 1869.

B. D. Palmer, Clerk,

By A. J. Reid, Deputy.

Certificate of Copy.

STATE OF KANSAS,)
)ss
County of Douglas,)

I, Adaline Horner Clerk of the District Court in and for said county and state, do hereby certify that the above and foregoing is a true and complete copy of the original Complaint, Warrant and Recognizance in the case of The State of Kansas vs. George Hazelrig No. 377.

as the same now appears of record and on file in my office.

Witness my hand and the seal of said court affixed at my office in the City of Lawrence this 24th day of September A.D. 1904.

(S E A L)

Adaline Horner
Clerk

①

80957

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 29 1901


ACTING CHAIRMAN

CHEROKEE FREEDMEN.

Date *March 29, 1901*
Post Office *Cherokee*
District *...*

1. Name Age
Owner's name Citizenship
Year Page No. District

Parents:
Father Citizenship
Mother Citizenship

2. Name of wife *Mary A. Piles* Age *61*
Owner's name *Stated, M. Aite* Citizenship *...*
Year *...* Page *163* No. *4014* District *...*

Parents:
Father Citizenship
Mother Citizenship

Names of Children:

	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				


Application made by *W. S. ...* Stenographer *E. G. Jones*

On P.O., roll as Mary Ann Aite,

Represented by Mitchell and Smith,

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 20 1901


ACTING CHAIRMAN

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON I. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory Aug 26, 1901

Received of the Commission to the Five Civilized
Tribes one copy of the testimony in the matter of the
application of Mary M. Rice for en-
rollment as Cherokee Freedman.

McClatchy & Smith
Attorneys for applicant

Cherokee Freedmen # 10957

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D-957.

ALLISON L. AYLESWORTH
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 7, 1904.

Mary A. Riley,

Bartlesville, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a Cherokee freedman, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show whether or not you returned to the Cherokee Nation after the rebellion within the time specified in the treaty of 1866. In this connection it is desired that you introduce testimony other than that of yourself.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, on Wednesday, April 6, 1904, at nine o'clock A. M., and introduce testimony as above requested.

Respectfully,



Commissioner in Charge.

Cherokee Freedmen
D 987; D 987.

Muskegee, Indian Territory, March 24, 1904.

Sevely & Givens,
Attorneys at Law,
Muskegee, Indian Territory.

Gentlemen:

In accordance with the request of W. C. VanNoy, attorney for Mary A. Riley, et al., there is herewith inclosed to you a copy of the record of proceedings in the matter of the application of said Mary A. Riley, et al., for enrollment as Cherokee freedmen.

Respectfully,

Encl. V-44

Commissioner in Charge.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM. O. BEALL,
Secretary

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

609

REFER IN REPLY TO THE FOLLOWING: Cherokee Freedmen
D-927.

Muskogee, Indian Territory, September 8, 1904.

Mary A. Riley,

Bartlesville, Indian Territory,

Dear Madam:

In the matter of your application for enrollment as a Cherokee freedman, you are advised that this cause has been set for final hearing on September 23, 1904, at which time you will be given an opportunity to introduce further testimony tending to show whether or not you returned to the Cherokee Nation, after the rebellion, within the time specified in the treaty of 1866.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Friday, September 23, 1904, and introduce testimony as above indicated.

Respectfully,


Chairman

COPY

Cherokee Freedmen

D-987

Muskogee, Indian Territory, September 8, 1904.

W. C. VanRoy,

Attorney for Mary A. Riley,

Bartlesville, Indian Territory,

Dear Sir:

In the matter of the application of Mary A. Riley for enrollment as a Cherokee freedman, you are advised that this cause has been set for final hearing on September 23, 1904, at which time an opportunity will be given the applicant to introduce further testimony tending to show the date of her return to the Cherokee Nation after the war of the rebellion.

The applicant has therefore this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Friday, September 23, 1904, and introduce testimony as above indicated.

Respectfully,

SIGNED, *Tams Dixby*
Chairman.

COPY

Cherokee Freedmen

957
D-927.

Muskogee, Indian Territory, September 8, 1904.

Hastings, Bell & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

In the matter of the application of Mary A. Riley for enrollment as a Cherokee freedman, you are advised that this cause has been set for final hearing on September 23, 1904, at which time an opportunity will be given the applicant to introduce further testimony tending to show the date of her return to the Cherokee Nation after the war of the rebellion.

The applicant has therefore this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Friday, September 23, 1904, and introduce testimony as above indicated. The Cherokee Nation will be permitted to appear on that day and introduce such testimony as it may desire in rebuttal of that offered by the applicant.

Respectfully,

SIGNED

Tams Dixby,
Chairman

Cherokee Freedmen

D-987.

Muskogee, Indian Territory, September 16, 1904.

Rutchings, Murphy & Veasey,
Bartlesville, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of September 12, asking to be advised as to the date set for further hearing in the matter of the application for the enrollment of Mary Ann Riley as a Cherokee freedman.

In reply you are advised that supplemental proceedings were had in this case on April 6, 1904, when it was continued for the introduction of additional testimony. You are further advised that this case has not again been set for further hearing.

Respectfully,

Chairman.

COPY

Cherokee Freedmen,
B-987 & 987.

Muskogee, Indian Territory, October 14, 1904.

Hutchings, Murphy & Veasey,

Attorneys for Mary A. Riley and Mary Haselrig et al.,

Bartlesville, Indian Territory.

Gentlemen:

In the matter of the applications for the enrollment of Mary A. Riley and Mary Haselrig and her children, as Cherokee freedmen, you are advised that these cases will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Monday, November 14, 1904.

The said applicants have this day been notified that they will be permitted to appear and introduce such testimony as they may desire in support of said applications.

Respectfully,

Register.

SIGNED, *J. B. Needles*
Commissioner in Charge.

COPY.

Cherokee Freedmen,
D-957.

Muskogee, Indian Territory, October 14, 1904.

Mary A. Riley,

Bartlesville, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of yourself as a Cherokee freedman, you are advised that this case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Monday, November 14, 1904, at which time you will be permitted to appear and introduce such testimony as you may desire in support of said application.

Respectfully,

W. D. NEEDLES,
Commissioner in Charge.

Register.

Cherokee Freedmen

D-957.

Muskogee, Indian Territory, November 4, 1905.

W. T. Hutchings,

Attorney for Mary Ann Riley, et al.,

Muskogee, Indian Territory.

Dear Sir:

In connection with the Cherokee freedmen enrollment cases of Mary Ann Riley, et al., you are hereby advised that this office is in receipt of Departmental letter of October 13, 1905, inclosing an approved opinion of the Assistant Attorney-General of August 31, 1905, in said case. Reference is made in said opinion to a letter of June 15, 1905, from W. N. Ewing, on behalf of applicants in the nature of an application for rehearing.

The Department advises that it is not deemed advisable to order a rehearing, as the application in the form of a motion does not answer the requirements of the ordinary rules of motions for review. The Department directs as follows:

In order, however, that further opportunity to file a proper motion may be given, it is requested that you advise the claimants, their attorney, and Mr. Ewing, if you know his address, that 30 days from such notice will be allowed within which to file such motion for rehearing, showing proper service of a copy thereof and all papers filed therewith upon the attorney for the Cherokee Nation.

You are, therefore, hereby notified that you will be allowed thirty days from date hereof within which to file with

this office such motion as you desire to make to have this case reopened, a copy of which and all papers filed, you will be required to serve on the attorneys for the Cherokee Nation.

You are requested to, if possible, advise this office of the post office address of W. N. Ewing.

For your information, there is inclosed herewith a copy of Departmental letter referred to, together with a copy of the opinion of the Assistant Attorney General of August 31, 1905.

Respectfully,

Incl. S-89
Register

Commissioner.

Cherokee Freedmen

D-957.

Muskogee, Indian Territory, November 4, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

In connection with the Cherokee freedmen enrollment cases of Mary Ann Riley, et al., you are hereby advised that this office is in receipt of Departmental letter of October 13, 1905, inclosing an approved opinion of the assistant attorney General of August 31, 1905, in said case. Reference is made in said opinion to a letter of June 15, 1905, from W. H. Ewing, on behalf of applicants in the nature of an application for rehearing.

The Department advises that it is not deemed advisable to order a rehearing, as the application in the form of a motion does not answer the requirements of the ordinary rules of motions for review. The Department directs as follows:

In order, however, that further opportunity to file a proper motion may be given, it is requested that you advise the claimants, their attorney, and Mr. Ewing, if you know his address, that 30 days from such notice will be allowed within which to file such motion for rehearing, showing proper service of a copy thereon and all papers filed thereupon upon the attorney for the Cherokee Nation.

The attorney for the applicants has this day been notified that he will be allowed thirty days from date hereof within

which to file with this office such motion as he desires to make to have this case reopened, a copy of which he has been advised he will be required to serve on you.

There is inclosed herewith, for your information, a copy of Departmental letter referred to, together with a copy of the opinion of the Assistant Attorney General of August 31, 1905.

Respectfully,

Incl. S-90

Commissioner.

Cherokee Freedmen

D-957.

Muskogee, Indian Territory, November 4, 1905.

Mary Ann Riley,

Bartlesville, Indian Territory.

Dear Madam:

In connection with the applications for enrollment as Cherokee freedmen of yourself, et al., you are advised that this office is in receipt of Departmental letter of October 13, 1905, in which it is directed that the applicants, their attorney, and W. N. Ewing, who has heretofore filed an application to have this case reopened, be notified that they will be given thirty days from date within which to file such motion as they desire to make to have said cases reopened.

You are, therefore, hereby notified that your attorney, W. T. Hutchings, has this day been notified that he will be allowed thirty days from date hereof within which to file with this office such motion as he desires to make to have reopened said cases, a copy of which motion he will be required to serve on the attorneys for the Cherokee Nation.

You are advised that the post office address of W. N. Ewing is unknown to the Department and this office, and you are requested to, if possible, advise same.

Respectfully,

Register

LS

Commissioner.

Cherokee Freedmen

D-957.

Muskogee, Indian Territory, November 4, 1906.

Mary Ann Riley,

Partlesville, Indian Territory.

Dear Madam:

In connection with the applications for enrollment as Cherokee freedmen of yourself, et al., you are advised that this office is in receipt of Departmental letter of October 13, 1905, in which it is directed that the applicants, their attorney, and W. N. Ewing, who has heretofore filed an application to have this case reopened, be notified that they will be given thirty days from date within which to file such motion as they desire to make to have said cases reopened.

You are, therefore, hereby notified that your attorney, W. T. Hutchings, has this day been notified that he will be allowed thirty days from date hereof within which to file with this office such motion as he desires to make to have reopened said cases, a copy of which motion he will be required to serve on the attorneys for the Cherokee Nation.

You are advised that the post office address of W. N. Ewing is unknown to the Department and this office, and you are requested to, if possible, advise same.

Respectfully,

Register

LS

Commissioner,

COPY

Cherokee Freedmen

D-775, et al.

Muskogee, Indian Territory, January 11, 1900.

Ball, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There are herewith enclosed copies of supplemental
testimony taken at Muskogee, Indian Territory, in the following
Cherokee Freedmen cases:

- Freedmen D-775 ----- Samuel Beck, et al.
- Freedmen D-25 ----- Samuel Adams.
- Freedmen D-177 ----- Salvin Collins.
- Freedmen D-331 ----- Annie Ball, et al.
- Freedmen D-33 ----- Leah Grater.
- Freedmen D-987-987 ----- Mary A. Riley, et al.

Respectfully,

(SIGNED) *Tams Dixby*
Chairman.

Incl. 2-15.

COPY

Cherokee Freedmen

D-257, D-258

Muskogee, Indian Territory, January 11, 1905.

Hutchings, Murphy & Venable,

Attorneys for Mary A. Riley, et al.,

Marionville, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of supplemental testimony taken at Muskogee, Indian Territory, on November 14, 1904, in the matter of the application for the enrollment of Mary A. Riley, et al., as Cherokee Freedmen.

Respectfully,

Incl. 3-14.

(SIGNED) *Tame Dixby*,
Chairman.

COPY.

Charles Freedman,
D-967 et al.

Waskage, Indian Territory, February 13, 1905.

Hatchings, Murphy & Veasey,

Attorneys for Mary Ann Riley et al.,

Bartholomew, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 13, 1905, rejecting the applications for the enrollment of Mary Ann Riley, Mary, William A., Jesse, Lucy, Alexander, Joseph E., James M. T., Jacob L., and Fred Henschel; and Mary, Robert Lee, and George E. Brown, ex Charles Freedman. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED *James Bixby*
Chairman.

Encl. 1-13.

Register.

COPY.

Cherokee Freedmen
D-067 et al.

Muskogee, Indian Territory, February 13, 1905.

Bell, Hastings, & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 13, 1905, rejecting the applications for the enrollment of Mary Ann Riley, Mary, William A., Jesse, Lucy, Alexander, Joseph B., James H. T., Jacob S., and Fred Haskelrig; and Mary, Robert Lee, and George E. Brown, as Cherokee Freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Enclos. 1-14.

SIGNED: *Tams Bixby.*
Chairman

COPY.

Cherokee Freedmen
D-987 et al.

Muskogee, Indian Territory, February 13, 1906.

The Honorable

The Secretary of the Interior,

SIR:

There is herewith transmitted the record of proceedings had in the consolidated case of Mary Ann Riley et al., including the Commission's decision, dated February 13, 1906, rejecting the applications for the enrollment of Mary Ann Riley, Mary, William A. Jense, Lucy Alexander, Joseph A., James M. E., Jacob L., and Fred Kestrig, and Mary, Robert Lee, and George A. Brown, as Cherokee freedmen.

Respectfully,

Wm. L. B.

WITNESSED

James Bixby

Chairman

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee Freedman
D-967.

Muskogee, Indian Territory, February 13, 1905.

Mary Ann Riley,

Bartlesville, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 13, 1905, rejecting, among others, the application for your enrollment as a Cherokee freedman. There has heretofore been furnished your attorneys, Hutchings, Murphy & Veasey, Bartlesville, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Encl. L-10.

Register.

SIGNED:

Tams Bidby

Chairman.

Refer in reply to the following:
Land.
13470-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

March 6, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated February 13, 1905, transmitting the record of the application for enrollment as Cherokee Freedmen by Mary Ann Riley for herself; by Mary Hazelrig for herself and her children, William A., Jesse, Lacy, Alexander, Joseph E., James M.T., Jacob L. and Fred Hazelrig; and by Mary Brown for herself and her minor children, Robert Lee and George R. Brown.

February 13, 1905, the Commission decided adversely to all the applicants.

The record shows that Mary Ann Riley and Mary Hazelrig are mother and daughter and were the slaves of a Cherokee citizen at the beginning of the war of the rebellion; that they were taken out of the Cherokee Nation during the war and did not return thereto on or before February 11, 1867. The other applicants are the children and grand children of the applicant, Mary Hazelrig, were born since 1866, and possess no rights to enrollment except as descendants of Mary Hazelrig. None of the applicants is identified on the 1880 authenticated Cherokee roll. Mary Ann Riley is identified on the Kern-Clifton roll and the other applicants are identified on the

Wallace and the Kern-Clifton rolls.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C.F.Larrabee

Acting Commissioner.

M.M.M.
W.

Refer in reply to the following:

Land.
73469-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

September 20, 1905.

The Honorable,
The Secretary of the Interior.

Sir:

Referring to Department letter of September 6, 1905 (I.T.D. 9336-1905) I have the honor to enclose a letter from the attorneys of the Cherokee Nation, dated September 11, 1905, transmitting a copy of a brief in behalf of that Nation, in Cherokee Freedmen enrollment case of Mary Ann Riley et al.

The record was forwarded to the Department March 6, 1905.

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

M.M.M.
W.

(Copy)

Washington, D. C., June 15, 1905.

Honorable Thomas Ryan,
Secretary of the Interior.

Dear Sir:

By reason of personal interests in the matter, I desire to call your careful attention to the application of Mary Ann Riley and her children for enrollment on the Cherokee Freedmen roll.

This case has been acted upon by the Dawes Commission and by the Commissioner of Indian Affairs and is now in your office for final action.

I learn by the record in the case that up to this point the application has been denied.

Since the case has been forwarded to Washington by the Dawes Commission, I have personally investigated the status of Tom Riley, deceased, who was the husband of Mary Ann Riley and also the status of all those named in the application for enrollment.

I devoted the better portion of a week to this personal investigation and examined a large number of those whose testimony was taken at the time the case was tried as well as others who know of their own personal knowledge the exact facts in the case.

As grounds for the requests herein preferred,

I will make the following statements of fact and statements of my honest belief after a careful personal investigation:

- 1 I assert as a fact that Tom Riley, the former husband of Mary Ann Riley, the applicant, was a slave with the Cherokee Indians for a period of 47 years. He was also known as Tom Ridge and Tom Waty, those names being applied to him because they were the names of his former owners.
- 2 Tom Riley, his wife Mary Ann Riley and three children ,also slaves of the Cherokee Indians ,were taken by the Federal soldiers out of the Indian Territory to Fort Scott, Kansas and turned loose.
- 3 I assert as a fact and believe I can prove conclusively that Tom Riley, after living in Kansas a short period of time returned to Possum Creek, Indian Territory in the fall of 1866 that having been his home for so many years, it was the natural place for him to turn to after the Treaty of 1866, and to preserve any rights which might attach to him as a Cherokee freedman.
- 4 I assert as a fact and can establish beyond any question of a doubt that he built himself a house on Possum Creek in the Indian Territory immediately after his returning in the fall of 1866. This fact can be established by the testimony of at least four witnesses who have a personal knowledge of the facts.

5 I assert that Tom Riley moved his family to this home which he built as soon thereafter as the conditions would warrant their removal and he was able to do it

6 It is my honest belief, and I do not believe any testimony can be adduced to the contrary, that Tom Riley never established a home or owned any land elsewhere than the place of his early associations, to wit, in the Cherokee Nation, where he was a Cherokee slave .

7 It is my honest belief and I can prove without doubt, that Tom Riley, from the date of his return to the Cherokee Nation in the fall of 1866, continued to spend annually a part of his time in said Nation and to speak of it and regard it at all times as his domicile. The evidence will show that the Cherokee Nation was, in law and in fact, his home from the fall of 1866 to the date of his death in 1890. That, he spent only such time with his family in Kansas as was absolutely necessary under the conditions which confronted him both in the Indian Territory and in Kansas to make the necessary preparations to take his family with him and live permanently in the Cherokee Nation and to provide for their support in that country. Riley's first return to the territory was unquestionably for the purpose of establishing his residence under the treaty of 1866, as evidenced by the preparations

which he made to make a permanent home for himself and family. This is borne out and made further indisputable by the fact that he afterwards moved his family to this very home and carried out in good faith, and according to law, his intention in the first place.

8. I learn upon examination of the record in the case on file in your office, that Tom Riley and Mary Ann Riley, his wife, and their children, whose names were Mary Haxelrig and her children, and Mary Brown and her children, were on the Kern-Clifton rolls and that they participated in the distribution of the proceeds of the sale of the land in the Cherokee Strip as well as participating in the distribution of other funds to the Cherokee people as "aid" or "bread" money as popularly termed by the beneficiaries.

9. It is also my firm belief that for the purpose of obtaining work, in order that he might provide for his family, he moved from Possum Creek to the Big Caney River, near Bartlesville, where he secured work and remained in peaceable and quiet possession of the property which is now in dispute in this case for a period of 27 years and his right to possession has never been questioned until the discovery of oil, when the land had become valuable and has tempted others to resort to underhanded methods with a view to depriving him of it.

10. It is my honest belief that I can prove, in case a rehearing is granted, that the testimony adduced at the original trial, tending to show that Tom Riley resided in the State of Kansas during the years after he returned to the Indian Territory in the fall of 1866 was procured by undue influence and improper inducements.

I write this letter to you and ask, in order that justice may be done and in order that no hardship may be worked on a worthy family, who are, in my opinion, entitled to enrollment, that the papers in the case be referred to the Assistant Attorney General to pass upon the question as to the status of Cherokee freedmen whose names were placed on the roll in pursuance of the decision of the Court of Claims in *Whitire v. Cherokee Nation*, and, in the event the record in the case does not clearly furnish sufficient justification for your reversal of the action of the Dawes Commission, a rehearing may be ordered in order that the facts and all of the truth may be better presented than it was in the original trial.

Now Mr. Secretary, I want to impress upon your mind the importance of giving to the applicants in this cause a rehearing, for the reason that their side of the case was not properly presented to the Dawes Commission and was hurriedly prepared without time for careful consideration. and

preparation of the case as the importance of it demanded, and also by reason of the dense ignorance of the applicants and their being absolutely without funds and were old and feeble.

The delay occasioned by a rehearing in this case will in no wise injure the Government or the rights of the Cherokee Nation, for the reason that the truth must prevail. On the other hand, a more careful investigation of the facts and a reconsideration of the same may result in enabling the Department to act intelligently when the case is finally determined and possibly avoid a great injustice to the applicants in this case.

I earnestly ask your serious personal attention to this matter and trust that you will grant the request, believing that the grounds I have given in this letter are sufficient to justify the ordering of a rehearing that justice may be done to all parties, and it is especially represented that because of the ignorance and feebleness of the applicants and those claiming under them, they should have the protection of the Department in order that their full rights might be given to them.

Respectfully,

W.N.Ewing.

(Copy)
DEPARTMENT OF THE INTERIOR,

Office of the Assistant Attorney General

J.R.W.
W.C.L.
S.V.F.

I.T.D.)
2232, 3085,) 1905
3087, 5561.)

Washington. August 31, 1905.

The Secretary of the Interior.

Sir:

I received by reference of June 19, 1905, the record in the case of Mary Ann Riley and others, applicants for enrollment as Cherokee freedmen, with request for my opinion "whether the applicants in said case are entitled to enrollment."

The applicants are Mary Ann Riley, born about 1820, her daughter, Mary Hazelrig, nee Riley, born about 1855, for herself and minor children William A., Jesse, Lacy, Alexander, Joseph E., James M. T., James L. and Fred; Mary Brown, nee Hazelrig, for herself and minor children Robert Lee and George R.

The Commission to the Five Civilized Tribes found that:

Mary Ann Riley and Mary Hazelrig are mother and daughter, and were the slaves of a Cherokee citizen at the commencement of the Rebellion; that they were taken out of the Cherokee Nation during said Rebellion, and did not return thereto and establish a residence therein, within the time specified in the decree of the Court of Claims, rendered February 3, 1896, in the case of Moses Whitmire, trustee, &c. vs. The Cherokee Nation et al., for the return of Cherokee freedmen to said Nation. The other applicants herein are children and grandchildren of the applicant Mary Hazelrig, were born since 1866 and possess no rights to enrollment other than as descendants of the said Mary Hazelrig. None of the applicants herein can be identified on the Cherokee authenticated tribal roll of 1880, or the Cherokee census roll of 1896.....The applications.....should be denied..... it is so ordered.

The applicant Mrs. Riley is identified on the Kerns-Clifton roll and Mrs. Hazelrig on that roll and the Wallace roll of freedmen. The Indian Office recommend approval of the action of the Commission. Counsel for applicants make no contention upon the facts as found by the Commission. I therefore accept them as true for the purposes of this opinion.

Counsel, however, contend that by their enrollment upon the Kerns-Clifton roll--

These people were judicially declared to be citizens of the Cherokee Nation and freedmen; they were judicially declared to be entitled to all the rights which they got under the treaty of 1866. It was the valid judgment of the Court saying that they had brought themselves under the provisions of that treaty, and were entitled to all rights and privileges of it, and therefore that the Cherokee Nation and the United States were forever enjoined from keeping them out of the provisions of such treaty. The only exception made was that the person who should make application to go on the roll should not have forfeited or abjured his citizenship at the date of the entering of the decree. Not only was this roll made and entered under the decree of the Court and approved by the Secretary of the Interior, but the Cherokee Nation was a participant in its making. Its representative was present, cross-examined witnesses, with the amplest opportunity of presenting testimony, and contesting the rights of every person claiming to be entitled as a freedman to citizenship and rights of the Cherokee Nation. It is therefore estopped in contesting the right of the claimants to share in the lands and moneys of the Cherokee Nation.....

We do not believe therefore that Congress intended by the Cherokee treaty to go behind that roll, but even if it did, Congress could not disturb the judgment of that Court.

The reference is to the adjudication in the case of

Whitacre, Trustee, v. The Cherokee Nation (30 U.S.L., 138, and 180-196). Jurisdiction was conferred upon that court by the act of October 1, 1890 (26 Stat., 636), among other things--

to hear and determine what are the just rights in law or in equity of the.....Cherokee freedmen, who are settled and located in the Cherokee Nation under the provisions and stipulations of article nine of the aforesaid treaty of eighteen hundred and sixty-six, in respect to the subject-matter herein provided for.

Sec. 2. That the said.....freedmen shall have a right.....to begin and prosecute a suit or suits against the Cherokee Nation and the United States Government to recover from the Cherokee Nation all moneys due either in law or equity and unpaid to the said.....freedmen, which the Cherokee Nation have before paid out, or may hereafter pay, per capita, in the Cherokee Nation, and which was, or may be, refused to or neglected to be paid to the said.....freedmen by the Cherokee Nation, out of any moneys or funds which have, or may be, paid into treasury of, or in any way have come, or may come, into the possession of the Cherokee Nation, Indian Territory, derived from the sale, leasing, or rent for grazing purposes on Cherokee lands west of ninety-six degrees west longitude, and which have been, or may be, appropriated and directed to be paid out per capita by the acts passed by the Cherokee council, and for all moneys, lands, and rights which shall appear to be due to the said.....freedmen under the provisions of the aforesaid articles of the treaty.

This was a jurisdiction to determine the rights in the common tribal property of the freedmen as a class, and neither in terms nor by necessary implication did it extend to determination of what particular persons composed, and constituted such class or who were freedmen.

May 8, 1895, in its opinion (30 U.S.L., 185), the court after discussion said: "The court therefore takes the Wallace

roll as furnishing the true number for the freedmen, 3524, "but this was to be corrected (ib., 186), by exclusion of the dead and of those who had ceased to be citizens and by adding descendants born after March 3, 1863, and prior to May 3, 1894, and "when thus amended and changed it shall represent the freedmen entitled to participate in the fund." In the decree (ib., 193), it was adjudged that the "freedmen and free colored persons aforesaid and their descendants are entitled to participate hereafter in the common property of the Cherokee Nation," &c. This decree was annulled and another by consent was entered (6th Ann'l Rep. Commission to the Five Civilized Tribes, page 70), with a paragraph in substantially the same terms, but the basis adopted was the Cherokee freedmen's roll of 1880, prepared by the tribal authorities. That roll was to be corrected by a commission appointed by the Secretary of the Interior, one member of which was nominated by the Cherokee Nation. The Kerna-Clifton roll was prepared by this Commission. There was no provision for review by the court of the proceedings of this commission by appeal or exceptions. On the contrary, this commission was directed to report its roll, not to the court, but to the Secretary of the Interior, and when it was approved by him the fund in control of the court was to be paid to the persons borne on that roll.

The effect of an adjudication of right of citizenship

to the persons borne on the Kerns-Clifton roll can be maintained only on the theory that the court delegated its judicial powers to the Commission and the Secretary of the Interior. A mere statement of this proposition refutes the contention. That a court can not delegate its judicial power is a fundamental proposition needing no citation of authority. The right of persons on the Kerns-Clifton, not borne on the Cherokee 1860 freedmen roll, was never in any sense adjudicated. As to them the Kerns-Clifton enrollment was an administrative proceeding or act simply. It being a purely administrative proceeding, remained subject to revision and correction in any manner then or thereafter provided by law.

The court in Whitwire v The Cherokee Nation, supra, as part of its original and final decree, defined the class of persons whose rights were thereby established and who were to be enrolled by making reference to article nine of the treaty of July 19, 1866,--

with respect to the rights of said freedmen who had been liberated by voluntary act of their former owners or by law, and all free colored persons who resided in the Cherokee country, at the commencement of the rebellion and who on the said date resided therein, or who returned thereto within six months thereafter, and their descendants; It being understood that the freedmen and their descendants and free colored persons above referred to shall include only such persons of said class as have not forfeited or abjured their citizenship of said Cherokee Nation at the date of the entering of this decree.

Except in punctuation the definition of the class of

persons was clearly intended to be a substantial quotation (in past tense) of that in article nine of the treaty, so that the treaty provision itself was given to the Commission as guide for its action, restricted by the added direction as to forfeiture and abjuration of Cherokee citizenship. Having this precept as a limitation on its powers, the enrollment of other persons not within the class so defined was in excess of the powers of the Commission and never sanctioned by the court.

The difference of punctuation above noticed and any construction founded on the punctuation of article nine of the treaty, is in the present case immaterial. It is unnecessary to re-enter into a discussion of the proper construction of this provision of article nine of the treaty, heretofore fully considered in my opinion of March 22, 1904, and in that of May 9, 1906, in case of Burrell Daniels. If the six months' period was applicable to this class, the applicants, as the Commission find, did not comply with it; if it was not applicable, they were merely made Cherokee citizens by the treaty, with "all the rights of native Cherokees," and became at once liable--without benefit of a six months' period--to operation of section 2 of article one of the Cherokee Constitution, if they settled and became legally domiciled at Lawrence, Kansas. If either state of facts be conceded to be true, it, in my opinion, follows that

the Kerns-Clifton Commission exceeded its powers in assuming to grant their enrollment.

That enrollment having been, as above shown, an administrative act, and not a judicial one, was subject to review and correction in any manner that Congress should by law direct. The act of June 28, 1898 (30 Stat., 495, 502), directed the Commission to the Five Civilized Tribes that:

It shall make a roll of Cherokee freedmen in strict compliance with the decree of the Court of Claims rendered the third day of February, eighteen hundred and ninety-six.

Congress confirmed some Indian tribal rolls. It might as easily have confirmed the Kerns-Clifton roll, and naturally would have done so had it regarded that roll as either an adjudication of right or even only an accurate roll. Instead of so doing, it directed compilation of a roll in strict compliance with the terms of the decree. This implies that Congress did not regard the Kerns-Clifton roll as made in compliance with that decree, else it would have confirmed that roll, as it did the tribal roll of 1880.

If the facts were conceded to be as stated in the findings, it would follow that the Commission acted in strict compliance with the direction given by Congress in the act of 1898, supra. It is represented, however, that in fact Tom Riley returned to the nation in 1866, and some evidence in the

record is to the effect that he left Kansas with the announced intention of returning to the nation as early as February, 1866, before the date of the treaty. Since reference of the case to me a further paper is filed on behalf of the applicants in the nature of an application for rehearing which, among other things, represents--

that Tom Riley never established a home or owned any land elsewhere than the place of his early associations, to wit, in the Cherokee Nation, where he was a Cherokee slave.....that the testimony adduced at the original trial tending to show that Tom Riley resided in the State of Kansas during the years after he returned to the Indian Territory in the fall of 1866 was procured by undue influence and improper inducements.....that the case was not properly presented to the Dawes Commission and was hurriedly prepared without time for careful consideration and preparation, and also by reason of the dense ignorance of the applicants.

It is within the discretion of the Secretary, and entirely proper for him to grant such application.

Very respectfully,

Frank L. Campbell,

Assistant Attorney-General.

Approved, August 31, 1905:

THOS. RYAN,
Acting Secretary.

J.P.

I.T.D.11128-1905
I.R.S

DEPARTMENT OF THE INTERIOR,
WASHINGTON. October 13, 1905.

J.L.B

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

There is inclosed a copy of an approved opinion of the Assistant Attorney General of August 31, 1905, in the Cherokee freedman case of Mary Ann Riley. Therein reference is made to a letter of June 15, 1905, from Mr. V.N.Ewing, "on behalf of the applicants, in the nature of an application for rehearing."

While it is suggested in the opinion that it was within the discretion of the Secretary of the Interior to grant the application, it is not deemed advisable to do so, as the application does not answer the requirements of the ordinary rules of motions for review. It is not sworn to and is not supported by the affidavits of the witnesses intended to be introduced if the rehearing should be ordered, and a copy of it has not been served upon the attorneys for the Cherokee Nation.

The Department does not know where Mr. Ewing can be found. A letter of July 21, 1905, addressed to him at Washington, D.C., the address given in his letter, was returned unclaimed. He has not been admitted to practice before the Department.

In order, however, that further opportunity to file a proper motion may be given, it is requested that you advise the claimants, their attorney, and Mr. Ewing, if you know his address.

that 30 days from such notice will be allowed within which to file such motion for rehearing, showing proper service of a copy thereof and all papers filed therewith upon the attorney for the Cherokee Nation.

July 8, 1905, W.T.Hutchings filed an argument for the claimants.

Mr Ewing's letter is inclosed, to be returned in due time.

Respectfully,

E.A.Hitchcock

Secretary

Through the
Commissioner of Indian Affairs
2 inclosures
(Land 13479-1905).

REPLY IN FULL TO THE FOLLOWING
Cherokee Freedmen

D-957.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 4, 1905.

Wary Ann Riley,

Bartlesville, Indian Territory.

Dear Madam:

In connection with the applications for enrollment as Cherokee freedmen of yourself, et al., you are advised that this office is in receipt of Departmental letter of October 13, 1905, in which it is directed that the applicants, their attorney, and W. N. Ewing, who has heretofore filed an application to have this case reopened, be notified that they will be given thirty days from date within which to file such motion as they desire to make to have said cases reopened.

You are, therefore, hereby notified that your attorney, W. T. Hutchings, has this day been notified that he will be allowed thirty days from date hereof within which to file with this office such motion as he desires to make to have reopened said cases, a copy of which motion he will be required to serve on the attorneys for the Cherokee Nation.

You are advised that the post office address of W. N. Ewing is unknown to the Department and this office, and you are requested to, if possible, advise same.

Respectfully,

Register
LS

Commissioner.

D. C. 65983-1905
I.T.D. 2232-1905
L R S

J. W. H.
PHH

DEPARTMENT OF THE INTERIOR,
WASHINGTON

December 9, 1905

Commissioner to the Five Civilized Tribes.

Muskogee, Indian Territory.

Sir:

Referring to departmental letter of October 13, 1905,
relative to the Cherokee Freedman case of Mary Ann Riley, et al.
you are requested to advise the department whether a motion for a
rehearing in said case has been filed.

Respectfully,

Thos. Ryan
First Assistant Secretary

Through the Commissioner
of Indian Affairs.

Muskogee, Indian Territory, December 15, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

This office is in receipt of Departmental letter of October 13, 1905 (I.T.D.11128-1905), inclosing a copy of an approved opinion of the Assistant Attorney-General of August 31, 1905, in the Cherokee freedmen enrollment case of Mary Ann Riley, et al., in which opinion reference is made to a letter dated June 15, 1905, from W. N. Ewing, "on behalf of the applicants, in the nature of an application for rehearing."

The Department states that while it is suggested in said opinion that it is within the discretion of the Secretary of the Interior to grant the application, it is not deemed advisable to do so, as the application does not answer the requirements of the ordinary rules of motions for review, it not being sworn to or supported by affidavits of the witnesses intended to be introduced if a rehearing should be ordered, and a copy of it not being served upon the attorneys for the Cherokee Nation.

It is also stated that the address of Mr. Ewing is unknown to the Department; that a letter addressed to him at Washington, D.C., the address given in his letter, was returned unclaimed, and that on July 8, 1905, W. T. Hutchings filed an argument for the applicants.

Dept--2.

The Department further states:

"In order, however, that further opportunity to file a proper motion may be given, it is requested that you advise the claimants, their attorney, and Mr. Ewing, if you know his address, that 30 days from such notice will be allowed within which to file such motion for rehearing, showing proper service of a copy thereof and all papers filed there-with upon the attorney for the Cherokee Nation."

In reply you are respectfully advised that on November 4, 1905, the principal applicants in the Cherokee freedmen case of Mary Ann Riley, et al. (D-957), and their attorney, W. T. Hutchings, were advised of the Department's instructions and notified that they would be allowed 30 days from date within which to file with this office, for transmission to the Department, such motion as they desired to make in said case, evidence of service on the attorneys for the Cherokee Nation of all papers filed to be furnished. The postoffice address of Mr. Ewing is unknown to this office and the applicants and their attorney were requested to, if possible, advise the office of the same.

You are further advised that no reply has been made to this office letters and no motion for rehearing has been filed.

The letter of Mr. Ewing, dated June 15, 1906, transmitted with Department's letter, is returned herewith.

Respectfully,

Through the
Commissioner of Indian Affairs.

Commissioner.

Incl--R-2.

Muskogee, Indian Territory, December 18, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

This office is in receipt of Departmental letter of December 9, 1905 (I.T.D. 2892-1905), referring to Departmental letter of October 13, relative to the Cherokee Freedmen enrollment case of Mary Ann Riley, et al., and requesting to be advised whether a motion for a rehearing in said case has been filed.

In reply, you are respectfully advised that under date of December 15, 1905, this office addressed a letter to the Department in reference to this matter and advised that no motion for a rehearing had been filed.

Respectfully,

LS

Commissioner.

Through the

Commissioner of Indian Affairs.

Refer in reply to the following:

(C O P Y)

Land.
101569-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

January 5, 1906.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to invite your attention to letter of the Commissioner to the Five Civilized Tribes, of December 15, 1905, saying he is in receipt of Departmental letter of October 13, 1905 (I.T.D. 11128-1905), enclosing a copy of an approved opinion of the Assistant Attorney General of August 31, 1905, in the Cherokee freedmen enrollment case of Mary Ann Riley, et al., in which opinion reference is made to a letter dated June 15, 1905, from W. N. Ewing, "on behalf of the applicants, in the nature of an application for rehearing."

Commissioner Bixby refers to the fact that the Department says that while it is suggested in the opinion that it is within the discretion of the Secretary of the Interior to grant the application, it is not deemed advisable to do so, as the application does not answer the requirements of the ordinary rules for motions for review, it not being sworn to or supported by affidavits of the witnesses intended to be introduced if a rehearing should be ordered, and a copy of it not having been served on the attorneys for the Cherokee Nation. The Department also says that the address of Mr. Ewing is un-

known to it, that a letter addressed to him at Washington, D. C., the address given in his letter, was returned unclaimed, and that on July 8, 1905, W. T. Hutchings filed an argument for the applicants.

He further quotes the Department as saying:

In order, however, that further opportunity to file a proper motion may be given, it is requested that you advise the claimants, their attorney, and Mr. Ewing, if you know his address, that 30 days from such notice will be allowed within which to file such motion for rehearing, showing proper service of a copy thereof and all papers filed therewith upon the attorney for the Cherokee Nation.

He reports that on November 4, 1905, the principal applicants in the Cherokee freedmen case of Mary Ann Riley et al., and their attorney, W. T. Hutchings, were advised of the Department's instructions and notified that they would be allowed 30 days from that date within which to file in his office, for transmission to the Department, such motion as they desired to make in the case, evidence of service on the attorneys for the Cherokee Nation of all papers filed to be furnished, and that the postoffice address of Mr. Ewing being unknown to him, the applicants and their attorney were requested to advise him, if possible, of Mr. Ewing's address, but no reply has been made to the letters mentioned and no motion for a rehearing has been filed.

The letter of Mr. Ewing, dated June 15, 1905, transmitted with the Departmental letter, is returned.

Very respectfully,

C. F. Larnabee,

BRH-Y.

Acting Commissioner.

D. C. 13947-1906 (C O P Y)

J. V. H.
LLB

DEPARTMENT OF THE INTERIOR
I. T. O. 2222, 3085, 3-37, 3561
6119, 6589, 6651, 11128, WASHINGTON.
12338, 18090-1905.
300-1906

L R 3

April 16, 1906

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Department has further considered the record in the Cherokee freedman case of Mary Ann Riley et al., which was the subject of the approved opinion of the Assistant Attorney-General of August 31, 1905.

In a decision rendered by the Commission to the Five Civilized Tribes February 13, 1905, the application of the claimants in this case was denied. Reporting in the matter March 6, 1905, the Indian Office recommended that this decision be approved

By the preponderance of testimony it is shown that the principal applicant herein, Mary Ann Riley, and her husband, Tom Riley (or Ridge or Watie), deceased, were, prior to the war of the rebellion, the slaves of a Cherokee citizen residing in the Cherokee Nation. During said war they removed, or were taken, into the State of Kansas. As early as 1863 or 1864 they took up their residence at or near Lawrence, Kansas, about 135 miles north of the northern boundary of the Cherokee Nation. A por-

tion of the time while living near Lawrence, they resided on or near what was formerly known as the Delaware reservation. Later, and about the year 1870, they moved into the town of Lawrence. There they continued to reside for several years thereafter, probably up to 1880. It seems clear that the residence of the wife and children, as outlined above, was continuous. There is, however, testimony tending to show that the head of the family, Tom Riley, was seen several times in the Cherokee Nation during the years 1866 and 1867, but it is not doubted that practically all of his time during said years was passed with his family in or near Lawrence, and that being of a roving disposition, his trips to the territory were mere visits. It is not shown that Tom Riley attempted to establish a permanent residence in the nation within the time fixed by the treaty, except that he constructed, with the help of others, a cabin therein in 1866, which he occupied, however, but a month or two, and then without his family. It is further shown that after moving into the town of Lawrence Tom Riley purchased a house and held the same for some time. There is also testimony, apparently reliable, showing that his daughter, Mary Riley, the mother of the minor applicants herein, was married in 1873, while a resident of Lawrence, to George Hazelrig, who was not a citizen of the Cherokee Nation. Copies of certain court

records, both civil and criminal, also form a part of the record herein, and show that various members of the family continued to live in Lawrence until as late as 1880.

The Department concludes that Mary Ann Riley, Mary Hezelrig, and the children of the latter did not remove to the Cherokee Nation until several years after the treaty of 1866. Further that the said Tom Riley did not establish a bona fide residence therein within the time required, and, that even though it be conceded that he did so, he subsequently identified himself sufficiently with another nation by his purchase of a home and residence in Kansas to effectuate a loss of his Cherokee citizenship, if such he ever had. In like manner, assuming that Mary Hazelrig ever acquired Cherokee citizenship, the same was lost by her marriage to a non citizen and residence beyond the limits of the Cherokee Nation.

Accordingly, the decision of the Commission to the Five Civilized Tribes, adverse to the applicants, is hereby affirmed.

Copies of Indian Office letters of March 6, 1905, September 20, 1905, and January 5, 1906, are inclosed.

Respectfully,

Thos. Ryan

First Assistant Secretary.

3 inclosures.

Cherokee
F D 957.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 24, 1906.

Mary Ann Riley,
Dewey, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 13, 1905, rejecting, among others, the application for your enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior April 16, 1906.

Respectfully,

GHL

Acting Commissioner.

COPY.

Cherokee
F D 957 et al.

Muskogee, Indian Territory, April 24, 1906.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 13, 1905, rejecting the applications for the enrollment of Mary Ann Riley; Mary Brown and her minor children, Robert Lee and George R. Brown; and Mary Hazelrig and her children, William A., Jesse, Jacy, Alexander, Joseph B., James M. T., Jacob L., and Fred Hazelrig, as Cherokee freedmen, was affirmed by the Secretary of the Interior April 16, 1906.

For your information there is inclosed herewith a copy of the Department's decision referred to.

Respectfully,

Incl. GL-38.
GHL

SIGNED:

Wm. C. Ball
Acting Commissioner.

COPY.

Cherokee
F D 957 et al.

Muskegee, Indian Territory, April 24, 1906.

W. T. Hutchings,

Attorney for Mary Ann Riley, et al.,
Muskegee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 13, 1905, rejecting the applications for the enrollment of Mary Ann Riley, Mary Brown and her minor children, Robert Lee and George R. Brown; and Mary Hazelrig and her children, William A., Jesse, Lacy, Alexander, Joseph E., James M. T., Jacob L., and Fred Hazelrig, as Cherokee freedmen, was affirmed by the Secretary of the Interior April 16, 1906.

For your information there is inclosed herewith a copy of the Department's decision referred to.

Respectfully,

(SIGNED).

Wm. C. Darr
Acting Commissioner.

Incl. GL-37.
GHL

Cherokee Freedmen
R 769 R 770

Muskogee, Indian Territory, June 11, 1907

S. G. Magee,

Bartlesville, Indian Territory.

Dear Sir:

This office is in receipt of your letter of June 3, 1907, asking to be advised the status of the citizenship in the Cherokee Nation of Mary Ann Riley, et al.

In reply you are advised the records of this office show that the applications for the enrollment of Mary Ann Riley and Mary Haselrig and her children as Cherokee Freedmen, were refused by the Secretary of the Interior on April 16, 1906.

You are further advised that the Act of Congress approved April 26, 1906 (34 Stat. 137), provides, in part, as follows:

"That the rolls of the tribes affected by this Act shall be fully completed on or before the fourth day of March, nineteen hundred and seven, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date."

Respectfully,

L M B

Commissioner

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



R. A. W.

RECEIVED

11 4 34

Mary Ann Riley,

MAR 18 1905

Reg. No. 398
392

Bartlesville, Indian Territory.



REGISTRY DIVISION,
FEB 14 1905
MUSKOGEE, IND. TER.



Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

R to W

OCT 11 1904
MUSKOGEE, IND. TER.

Unclaimed

1453



Reg No 791

791

Mary A. Riley,

Bartlesville, Indian Territory.



**END
OF
REEL**



